EXTENSIONS OF REMARKS

H.R. 3998 OBEY/MATSUI AMERICAN HEALTH SECURITY PARTNERSHIP ACT OF 1998

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. OBEY. Mr. Speaker, last year, the Congress passed a proposal that was meant to take care of the health insurance needs of poor children. This year, the Congress is looking at ways to reform managed care so that the 85% of Americans in HMOs can be guaranteed quality health care based on need and not on profit margins. These are important steps but we need to, and we can go further.

Good health is one of God's greatest blessings. Those of us who have it have an obligation to see that every American who doesn't can walk into a hospital or a doctor's office and get the health care they need without begging. Over forty-one million Americans are without health insurance, and that number is rising by about one million every year. Many more have insurance today but are afraid of losing it. There is no reason why we cannot figure out a way to assure that every American has and will be able to keep affordable health insurance coverage.

That's why Congressman BOB MATSUI of California and I are sponsoring the American Health Security Partnership Act which is based on the premise that if revenue is raised from tobacco companies, it ought to be used to help see to it that every person has secure health insurance.

This legislation creates a cooperative cost sharing partnership between the federal government, state governments, employers and individuals. With each sharing in the cost and bearing a reasonable load, we can finally end the gap in health insurance coverage and put a stop to the cost shifting games that go on when the cost of providing care to the uninsured is shifted to those who do have insurance.

In the best Wisconsin LaFollette Progressive Tradition we would use the states as laboratories of democracy to help find alternative health care reform models that work. States will have maximum flexibility to make choices on what devices to use, what systems to implement, and how best to use the federal funds for their citizens. But, the main federal requirement is that everyone in the state will have access to health insurance that is at least as good as what is available to Members of Congress under the Federal Employees Health Benefits Plan (FEHBP).

Employers need to play a role too. That's why this legislation requires large employers to provide health insurance coverage for their workers and it provides funds that States can use to help small businesses expand health care coverage for their employees even though small business is not required to do so by this bill.

But this is not a something for nothing approach. Individuals have a responsibility to get health insurance and to the extent possible, pay for some of the cost of that insurance. Cost shifting contributes greatly to the rising costs of health care and the only means of putting an end to it is to ensure that every individual has health insurance coverage.

Many American families feel threatened by health care costs and many others are afraid of losing the health insurance coverage they have. The purpose of this bill is to strengthen the health care security of every American family. We do that by creating a 4 legged stool comprised of the federal government, the State government, employers and individuals.

If there is going to be a tobacco settlement of any kind, the most logical use of that settlement is to make sure the average American family has health care coverage when they need it.

Here are some of the elements of the plan.

It establishes a federal and state partnership in which states have the flexibility to decide how everyone in the state is covered by health insurance. The rules would be set by the states and not the federal government.

The only federal requirement is that health insurance coverage must be at least as good as what is currently available for Members of Congress and other federal employees under the Federal Employee Health Benefits Plan.

Farmers and people who are self-employed will be able to deduct 100% of their health insurance costs.

Workers who do not have employer subsidized health insurance will also be able to deduct 100% of their health insurance costs.

Businesses with 100 or more employees will be required to offer health care coverage to employees and their families.

It is paid for in two ways. A portion of the tobacco settlement would be used to establish a cost sharing agreement with the federal government and the states. That amount would be supplemented by a 1% increase on corporations with over $10 million in taxable income. Out of the one million corporations in the country, fewer than 3,000 pay income taxes at the top rate and would be affected by this increase.

That cost is a small price to pay to meet the moral responsibility that any ethical society has to ensure that all Americans receive the health care they need simply because they are God's creatures.

CONGRESSWOMAN NANCY PELOSI PAYS TRIBUTE TO PIONEERS WHO BUILT ISRAEL ON ITS 50TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. LANTOS. Mr. Speaker, our distinguished colleague and my friend and neighbor in San Francisco, Congresswoman NANCY PELOSI, is the author of an excellent article marking the 50th anniversary of the establishment of the modern state of Israel. The article, which appeared in the San Francisco Chronicle on Wednesday, June 4, is an outstanding discussion of the commitment to the dream of the state of Israel by those pioneers who, from the ashes of the Holocaust, made the desert bloom.

Mr. Speaker, I ask that Congresswoman PELOSI's article be placed in the RECORD. I commend this article to my colleagues, and I urge them to give it careful and thoughtful attention.

[From the San Francisco Chronicle, Thursday, June 4, 1998]

DIVERSE GROUP OF PIONEERS BUILT A DREAM

(By Nancy Pelosi)

As Israel celebrates its 50th anniversary, we in the United States join in celebrating 50 years of friendship, a mutually beneficial alliance and the great future possibilities that exist for the U.S.-Israel partnership.

In looking back over 50 years, it is useful to remind ourselves of Israel's short history. In many ways, it mirrors America's early days as well as those of San Francisco, a city built by pioneers and blessed with diverse and skilled citizens. What we in the United States and the citizens of Israel now take for granted was, only a short time ago, nothing but an improbable dream. Like those who founded our nation, Israel's founding leaders sought to build a nation that would serve as an example to the world and a new home to those who fled oppression and tyranny.

After only 50 years of independence, a sophisticated, stable, and reliable Western democracy has been built in the sands of the Middle East, a region that cannot claim any other democracies. Israel has developed a world-class educational system and a high-tech economy. During the past 50 years, Israel has absorbed immigrants and refugees from more than 100 countries, people with different cultures, languages and backgrounds to create a nation with a common language and a 98 percent literacy rate. Israel has a challenge and a responsibility to continue to combat prejudice and respect the cultural heritage of Jews from other countries as well as the rights of Arabs in Israel.

As a nation of immigrants who have sacrificed for freedom, independence and democracy, we Americans have shared in the tragedies and triumphs of the Israeli people during their first 50 years. In fact, Israel's survival would not have been possible without the help and friendship of the U.S. government. Israel continues to face existential threats and challenges; her future cannot, unfortunately, be taken for granted.

Only seven years ago, SCUD missiles fired by Saddam Hussein were directed at Israel's population centers but, fortunately, caused minimal damage. Since those attacks, Saddam Hussein has made no secret of the fact that he is seeking more accurate missiles and the biological and chemical arsenal to cause devastation within Israel.

Iran is well on the way to acquiring the technology needed to build its own accurate missiles as well as actively seeking a nuclear, biological and chemical weapons capability. So, in many ways, the challenges to Israel of the next 50 years are far greater than those of the first 50.

For many reasons—strategic, historic, religious and moral—American support for Israel has been generous. The United States has played and will continue to play an important role in ensuring Israel's success. As a member of Congress, and as the senior Democrat on the Appropriations Committee's Foreign Operations Subcommittee, I am proud to have had a unique opportunity to help build and maintain the very special relationship that exists between the United States and Israel. That relationship will continue to serve both nations as we look ahead—as friends and partners and allies—to the special challenges we face together in the next 50 years.

THE BLOODSHED IN KOSOVA MUST STOP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. BONIOR. Mr. Speaker, the situation in Kosova, which has been tense all year, has taken a recent turn for the worse. The Serbian army has undertaken another brutal attack on the ethnic population in Kosova.

More than 39 ethnic Albanians were killed during the last two days in May in what was the worst crackdown since the March massacre of 80 people in Kosova.

The violent campaign continues, as Serbian forces have carried on a five-day operation that targets ethnic villages to the south and west of Pristina, the capital of Kosova. In addition to the demolition of village after village by air and rocket attacks, Serbian forces have laid mine fields in several locations in the southwest. It is clear that this has become an ethnic cleansing campaign.

On June 3rd, there was another surge of refugees in the way of the Serb attacks. The UN High Commissioner for Refugees estimates that over 2,000 crossed into Albania during that night, adding to the humanitarian crisis.

Women, children, and elderly trekked for days through the mountains. Weeping, they described how Serb police burst into their homes, dragged them out and told them to ''go to Albania and never return'' and then burned their houses before their eyes.

The latest wave of thousands of refugees and victims of this violent campaign of aggression shows us that unless we act now, the situation will only grow worse.

The possibility for a diplomatic solution grows increasingly dim as intensified Serbian military efforts reveal Milosevic's determination to wipe out the pro-separatist Kosova Liberation Army.

If we are to prevent another Bosnia from occurring in Kosova, as well as prevent chaos from spreading throughout the Balkans, we must convince our allies to discontinue the past policy of simply threatening, imposing, and then withdrawing sanctions.

In order to strengthen our position and compel the Serbian government to stop the bloodshed, it is necessary to consider military measures as well as reinstatement of economic sanctions. Yesterday, the Washington Post rightly editorialized that the ''United States can intervene now, as it said it would. Or, as in Bosnia, it can be forced to intervene later, after much damage has been done and any solution is far more difficult.''

A more dynamic approach is necessary in order to end the violence and oppression in Kosova and to allow the people there to determine their own future.

Let us not allow ourselves to be faced with a situation where we did too little too late.

HONORING DIKEMAN ENGINE AND HOSE COMPANY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. GILMAN. Mr. Speaker, for 125 years, the Dikeman Engine and Hose Company has served the community of Goshen located in Orange County. This weekend they are celebrating their anniversary. They have provided excellent prevention and protection from fire and other disasters. This company deserves to be acknowledged for their tireless efforts in all of their community related services.

On September 12, 1873, a group of local men met above Ed Dikeman's Drug Store in Goshen and decided to form a second hose company to protect Goshen. They decided to name the company after Mr. Dikeman, who was a prominent resident and business man.

In April 1874, the Dikeman company responded to their first fire, beginning their commitment to serving their community. For the next 124 years, the Dikeman Engine and Hose Company has continued their outstanding fire fighting practices and their dedication to the community of Goshen.

Dikeman Engine and Hose Company has been housed on New Street since 1885. This building was once shared by the Village Police Department and the Village Jail. In 1967, the company added a new truck bay, a meeting room over the truck bay, and a back room to the building.

Their continious service to the community of Goshen has not been over looked. They have protected the citizens from fire, instructed youth on fire prevention, aided the community in time of crisis, and gone above and beyond the call of duty.

I invite my colleagues to join in recognizing these dedicated volunteers on their years of service. Dikeman Engine and Hose Company Number 3 has been a vital asset to the residents of Goshen and to everyone they have helped over their years of service.

A TRIBUTE TO JOHN BERRY, SR.: OHIO ENTREPRENEUR

HON. ROB PORTMAN
HON. JOHN A. BOEHNER
HON. DAVID L. HOBSON
HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. PORTMAN. Mr. Speaker, I and my colleagues, JOHN BOEHNER, DAVID HOBSON and TONY HALL, rise today so that my colleagues and I may recognize the life of a giant of American business and philanthropy, John Berry, Sr., a friend and entrepreneur who passed away on May 20, 1998. When Mr. Berry took over his father's small telephone book company in 1946, it employed 50 people and generated $2 million in annual revenue. Under his leadership, the company became the largest independent publisher of the Yellow Pages in the United States and grew to $1 billion in annual revenue by 1986 and employed 3,000. It went international in the mid-sixties with a joint venture with ITT World Directories, which grew to become the largest publisher of the Yellow Pages outside of the United States.

Mr. Berry was a graduate of Dartmouth College, a school he loved and generously supported over the years. Most recently, the college library was renamed ''Berry Baker'' due to his strong support for the college and its mission. He served in the Army during World War II and was a committed community volunteer, serving as Chairman of the Board of Trustees of the Air Force Museum Foundation and on the Boards of Trustees of the University of Dayton and The Ohio State University and The Ohio State University Foundation. He was also a member of the Dayton Chamber of Commerce, Dayton Urban League and Junior Achievement of Dayton and Miami Valley.

Mr. Berry received several honorary degrees, including Doctor of Laws from Dartmouth College, Doctor of Humane Letters from University of Dayton, Doctor of Public Service from Rio Grande College, and Doctor of Business Administration from the Ohio State University. He also received the Everett D. Reese Medal from The Ohio State University in recognition of his service.

Those who knew John Berry knew him as a remarkably successful entrepreneur and a community leader. But they also knew that nothing was more important to him than his family. He is survived by his wife, Marilynn; five sons: George, John Jr., David, Richard, and Charles; two daughters: Vickie and Lynne; and 18 grandchildren. John Berry was the quintessential American success story, but also had a quintessential American spirit of giving back to his country. He will be missed by all.

TRIBUTE TO DANIEL C. PREECE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Daniel C. Preece, for his leadership and effort to improve the quality of life in our community. Daniel is a determined, hard working individual who has dedicated 25 years of invaluable service to the California Department of Parks and Recreation.

There are many areas in California of immense natural beauty that are designated as sanctuaries where plant and wildlife can live in an undisturbed, harmonious environment. Mr. Preece has dedicated tireless hours upon hours of service to preservation of State Parks all over California, and has much to show for his devoted career.

Daniel first responded to his calling in 1972 with a nine month training course at the California State Park Training Center and the Regional Criminal Justice Training Center. Mr. Preece then served as a Park Ranger in the County of Orange, and later as a Supervising Ranger at San Clemente State Beach.

Two years later Daniel began a ten year commitment as an Associate Park and Recreation Specialist. As a Specialist, he worked as a liaison between Director of State Parks and the California State Parks Foundation, and other groups. Highlighting this period, Daniel served for two years as the Supervisor for the California Statewide Recreation Needs Analysis, and for six years as the Grants Administrator for Federal Land and Water Conservation Fund and the California State Parks Bond Programs.

Feeling the need for a new challenge, Daniel moved on to become the District Superintendent for the Gaviota District in 1984. During his five year tenure at this position, he played an instrumental role in the acquisition and development of park lands and facilities, and the historic restoration at El Presidio de Santa Barbara. He also worked to minimize the impact of major oil production and transportation on state parklands, resources and visitors.

Currently, Daniel is the District Superintendent and Deputy Regional Director for Los Angeles and the Santa Monica Mountains and Los Angeles District. As District Superintendent, Mr. Preece oversees thirty-five units of the California State Park System, including Red Rock Canyon, Malibu Creek and Leo Carrillo State Parks. During this period, which began in 1989, Daniel has helped to add over 20,000 acres to the Santa Monica and Los Angeles Mountains District, has opened numerous centers for public use, has developed nature preservation programs and has worked to better the relationship between State Parks and their neighbors. He has also sat on numerous boards and teams, including the Santa Monica Bay Restoration Project.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Daniel C. Preece. He has shown an unwavering commitment to the community and deserves our recognition and praise.

CONSTITUTIONAL AMENDMENT RESTORING RELIGIOUS FREEDOM

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1998

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to H.J. Res. 78, the Religious Freedom Constitutional Amendment. I reject this measure because it is intended to destroy the delicate balance of church-state relations in America. The so-called Religious Freedom Amendment is fraudulently labeled and it would obliterate the Founders' vision, expressed in the First Amendment, of a tolerant nation where religion can flourish in the absence of excessive government entanglement. There are few passages in the Constitution more central to the premises of this country's establishment than the 10 words that open the First Amendment: ''Congress shall make no law respecting an establishment of religion * * *'' Americans already enjoy the liberty to worship freely and of not having to participate in religious activities in which they do not believe. And, they have the liberty not to have their taxes pay for religious instruction with which they might disagree. These are the freedoms that would fall if the Istook amendment were passed. Clearly, a proposal to offer schools and governments a role in determining how Americans worship is dangerous and unnecessary. Perhaps, we should more appropriately label this the Religious Freedom Stripping Amendment!

The Istook amendment is dangerous, because it aims to create a new right to practice religion in public institutions and on government property. It would permit inherently coercive programs of group prayer in public schools and mandate use of public funds to support private religious schools and other religious programs. It would also allow government officials, including teachers and judges, to display religious symbols in classrooms, courtrooms or other public spaces and communicate their personal religious beliefs while on the job, say by reciting a prayer at the beginning of a public school class or legal proceeding. The religious right in this country and, specifically, the Christian Coalition argue passionately about the need for prayer in school as a way to unite the nation in the face of racism, yet nothing currently bars students from praying voluntarily in school so long as they do not interfere with classes or commandeer a captive audience of other students. Moreover, it is hard to think of anything more divisive than putting the Federal and state governments in a position to favor one religion over another, as the amendment would do by granting officials the right to display religious material and channel tax dollars to religious programs.

The amendment rests on the false premise that neither the Constitution nor current law adequately protects religious expression or permits religiously affiliated groups to play a role in delivering secular services with public funds. However, recent court decisions have reaffirmed the equal right of private citizens to erect religious symbols in public areas and to have access to public facilities for religious activities. Religion has not been shut out of the public square but is an active voice in American culture. Students already enjoy many opportunities for religious expression within the school environment, including the opportunity to pray and read the Bible privately, say grace at lunch, distribute religious materials to their friends and join voluntary religious clubs. Two documents outline students' rights to religious expression: Religion in the Public Schools: A Joint Statement of Current Law and the U.S. Department of Education's guidelines on religious expression. Under current law, organizations that are religiously affiliated, but not pervasively sectarian, can and do receive government grants for secular social programs as long as they do not advance religion or discriminate on the basis of religion.

In short, Mr. Speaker the Istook amendment is dangerous and unnecessary. I urge my colleagues to reject the needless Istook amendment and preserve real religious freedom.

IN HONOR OF LOIS BEAUBIAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. DIXON. Mr. Speaker, I rise today with great pleasure to honor and acknowledge my friend Lois Beaubian for her distinguished career and her contributions to family and community. On June 26, 1998, Lois will retire as Principal of Saturn Street Elementary School in Los Angeles, culminating an illustrious career. I thank you, Mr. Speaker and esteemed colleagues, for joining me in commemorating this occasion.

Lois Beaubian—a longtime resident of Los Angeles—embarked on her path of lifetime achievement in 1954, graduating from Manual Arts High School. Following high school, Lois worked for Golden State Mutual Life Insurance Company, and received a scholarship through the firm to continue her education. While a full-time employee of Golden State, Lois studied education at California State University, Los Angeles.

After her graduation from Cal State, L.A. in 1965 with a bachelor of arts degree in Education, Lois began her career in education. Her first position was as a teacher at Wadsworth Avenue Elementary School. Through her experience as a teacher, Lois developed an interest in educating students with special needs. Lois continued her education while working as a teacher and earned a masters degree in Special Education from California Lutheran College in 1983.

Lois Beaubian taught at a number of Los Angeles schools, including Western Avenue Elementary, Marvin Elementary, and Crenshaw High School. In 1985, Lois took her expertise into school administration as an Administrative Assistant at Carver Junior High School. From 1986–88, Lois served over 55,000 Los Angeles Unified School District students as manager of the compensatory education program. In 1988, she assumed the position of Assistant Principal of Manchester Elementary. Lois Beaubian began her tenure as Principal of Saturn Street Elementary School in 1992. Throughout her career, Lois developed a reputation as a warm, caring, and effective teacher and administrator. As Principal of Saturn, she inaugurated a computer technology program that is a permanent tribute to her commitment to assuring the future success of her students.

Lois is active in a number of community and professional organizations. She has served as a career instructor for the Los Angeles Urban League, as President of Women Aware, as Grammateus of Alpha Kappa Alpha, and as a member of the NAACP. Lois also is an Elementary Consultant to the Children's Discovery Centers of America, a member of the Associated Administrators of Los Angeles, and the Council of Black Administrators.

Lois and George Beaubian have been partners in life for 39 years and instilled in their children great self confidence and intellectual curiosity. Lois and George are now the proud grandparents of Britt, Jacqueline's son.

Mr. Speaker, I congratulate Mrs. Lois Beaubian on her long-time commitment to the education of our children, her service to our community, and her dedication to her family. I ask my colleagues to join me in congratulating her and extending our best wishes to her and George for many years of good health and prosperity.

MARKING THE DEDICATION OF THE BAKERSFIELD POLICE MEMORIAL

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. THOMAS. Mr. Speaker, last month we observed Law Enforcement Officers Memorial Week, seven days set aside to honor the courageous men and women who gave their lives protecting us and upholding the law. Last month, I was proud to vote for House Resolution 422 which states that law enforcement officers who have died in the line of duty should be honored, recognized, and remembered for their great sacrifice. Today I rise to help pay tribute to the law enforcement officers who died while serving Bakersfield, California.

With all of the advances that have been made in the field of American law enforcement this century, one sad and sobering fact remains the same: police officers are often killed in the line of duty. On May 15, the Bakersfield Police Department dedicated a monument to honor the law enforcement officers who sacrificed their lives for the safety and well-being of the people of Bakersfield over the past century.

Of great men, Ralph Waldo Emerson once said ''brave men who work while others sleep, who dare while others fly . . . they build a nation's pillars deep and lift them to the sky.'' The names which have been etched on this memorial will be an eternal reminder of the seven brave men who lost their lives daring to protect the people of Bakersfield.

Mr. Speaker, it is with great pride that I pay tribute to the law enforcement officials in Bakersfield who died in the line of duty: T.J. Packard, Frank Sparks, Aaron A. Trent, Floyd B.D.W. Cummings, William L. Rucker, Patrick D. Vegas, and William L. Sikola. The somber black granite monument will be a lasting tribute to these individuals who put the safety of the community ahead of their own. I am proud to live in a town which has chosen to honor its fallen police officers in such a fitting and lasting manner.

A TRIBUTE TO LOUISVILLE MALE HIGH SCHOOL WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mrs. NORTHUP. Mr. Speaker, I rise today to recognize a talented and motivated group of young people, who competed in the national finals of the We the People . . . The Citizen and the Constitution program in early May.

I am pleased to recognize the class from Male High School in Louisville, which represented the state of Kentucky in this national event. These young scholars worked diligently to reach the national finals by winning competitions in their home state and did a wonderful job at the national event.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country, developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition simulates a Congressional hearing in which students demonstrate their knowledge as they defend positions on historical and contemporary constitutional issues.

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle and high school levels for more than 75,000 teachers and 24 million students nationwide.

In a time when the public is often disenfranchised with the political system, when public cynicism and apathy are fueled by media that love nothing more than a story of sin and corruption, this program is instilling in young people a sense of understanding and civic duty.

It is an honor for me to recognize this group of shining, young Kentuckians: Angela Adams, Perry Bacon, Katherine Breeding, Will Carle, Eric Coatley, Courtney Coffee, Brian Davis, Mary Fleming, Matt Gilbert, Amanda Holloway, Holly Jessie, Heath Lambert, Gwen Malone, Kristy Martin, Brian Palmer, Lauren Reynolds, Shane Skoner, LaVonda Willis, Bryan Wilson, Darreshia Wilson, Beth Wilson, Janelle Winfree, Treva Winlock and Jodie Zeller.

I am thrilled Male High School once again represented my home state of Kentucky in national competition. The student team worked diligently and demonstrated a remarkable understanding of the ideals of our government during the national competition in Washington, DC. I am proud of the students and their teacher, Sandy Hoover, and would like to extend my sincere congratulations for their success.

SIGNS DESIGNATING RONALD REAGAN NATIONAL AIRPORT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce a simple bill—a bill to protect the good name of one of America's greatest Presidents, Ronald Reagan.

On February 4 of this year, Mr. Speaker, this body and the other body both overwhelmingly passed legislation renaming National Airport after Ronald Reagan. President Clinton signed the bill into law on February 6, President Reagan's 87th birthday.

Nevertheless, the National Park Service has announced that it intends to thumb its nose at the will of Congress and the President by erecting signs on the George Washington Memorial Parkway that omit President Reagan's name.

This bill prohibits such a move, and requires new signs that use the correct name of the airport. And, if the Park Service decides to go ahead with its plan to thwart the will of Congress, then we will require the signs to be replaced, with the funds coming out of the budget of the director of the National Park Service.

Ronald Reagan is an American hero. Mr. Speaker, the Park Service must not be allowed to rob him of any part of his tremendous legacy.

Mr. Speaker, I insert a copy of the bill for the RECORD:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ronald Reagan National Airport Preservation and Protection Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(a) Ronald Reagan is an American hero deserving of recognition;

(b) the will of the Congress to honor President Reagan was clearly expressed when both Houses overwhelmingly passed legislation changing the name of ''Washington National Airport'' to ''Ronald Reagan Washington National Airport'' on February 4, 1998;

(c) the will of President Clinton to honor President Reagan was clearly expressed when he signed such legislation into law on February 6, 1998, the 87th birthday of President Reagan;

(d) notwithstanding the fact that the will of the Congress and the President had been clearly expressed through passage of such legislation and signing such legislation into law, the National Park Service (NPS) has recently announced that it intends to erect new signs on the George Washington Memorial Parkway directing motorists to Ronald Reagan National Airport that omit Ronald Reagan's name.

SEC. 3. PROHIBITION OF SIGNS OMITTING RONALD REAGAN'S NAME.

(a) Notwithstanding any other provision of law, the Director of the National Park Service—

(1) shall not erect any new signs on, near, or adjacent to the George Washington Memorial Parkway in Northern Virginia, Maryland, the District of Columbia, or elsewhere, displaying the name ''National Airport'', but omitting the name ''Ronald Reagan.''.

(2) shall, on or before August 5, 1998, replace all signs on, near, or adjacent to the George Washington Memorial Parkway in Northern Virginia, Maryland, the District of Columbia, or elsewhere, displaying the name ''National Airport'' with signs prominently displaying the name ''Ronald Reagan National Airport.''

(3) shall fund the replacement pursuant to subsection (2) of any signs that had been erected after February 4, 1998, entirely out of the budget of the Director of the National Park Service.

TRIBUTE TO RANCE LEADERS OF BATTLE CREEK, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to point out to my colleagues someone in my district who epitomizes the dedication and commonsense leadership we all should value in our local government officials. On Friday, June 12, 1998, Rance Leaders will retire as City Manager of Battle Creek, Michigan, after serving with distinction for 10 years. Today, our community will salute Mr. Leaders with a gala retirement celebration for his years of service to Battle Creek.

Mr. Leaders has served the people of Battle Creek, Michigan, for 18 years, first starting as Assistant City Manager in 1980. When Gordon Jaeger retired in 1988, the City Commission,

then led by Mayor Al Bobrofsky, selected Mr. Leaders as Battle Creek's City Manager, effective June 1, 1988. Rance served our country in the United States Marine Corp during the Vietnam Conflict and also worked for the U.S. Department of Housing and Urban Development prior to working for the city of Battle Creek.

Tonight's salute, dubbed ''Operation Compass,'' honors an outstanding leader in the community. I wholeheartedly believe that Mr. Leaders is deserving of such recognition for its leading role in revitalizing Battle Creek—the best-known city of its size anywhere in the world.

Mr. Speaker, as you know, I'm pretty proud of Battle Creek. The town, as millions of Americans know, is affectionately called the ''Cereal City,'' because it is the birthplace of modern breakfast cereal. It was once home to over 100 cereal companies and today is home of the world headquarters of the Kellogg Company.

Mr. Leaders has been a key catalyst for many positive changes within the City. He has worked to create better partnerships with regional units of government and most of all among the citizens of Battle Creek. Today, according to some surveys, citizens' trust in city government has risen from 45 percent in 1990 to 83 percent in 1997. One of his favorite sayings might be one any leader should remember—especially here in Congress—''None of us is as smart as all of us.''

Rance worked to strengthen Battle Creek's global reputation by working in collaboration with all parties to continue to attract business to Battle Creek's Fort Custer Industrial Park. Most recently, I was honored to join city officials as Western Michigan University opened its elite International Pilot Training Center in Battle Creek to train airplane pilots from all over the world.

Rance also worked on several projects including the Emmett Street overpass, Full Blast, a premier youth recreation facility, removal of the pedestrian mall to increase economic development in the downtown area, and most recently, Kellogg's Cereal City U.S.A., a museum recognizing Battle Creek's breakfast cereal heritage.

I personally have had the pleasure of working closely with Rance Leaders since 1993 when the Department of Defense sought to close several agencies at the Federal Center located in downtown Battle Creek. Rance helped us convince the Department of Defense that the work performed at the facility was cost-effective and at a lower cost than that cited by the federal government. Because of our coalition's efforts, the Federal Center remains in Battle Creek and its operations are expanding.

As other cities have faltered, the transformation that Battle Creek has experienced over the last 10 years is nothing short of miraculous. Rance Leaders deserves much praise and recognition for his accomplishments. And there is so much more that I could highlight. But perhaps it will suffice to say that Rance Leaders truly exemplifies the spirit of Battle Creek, a city that will continue to thrive due in no small part to his efforts.

Mr. Speaker, for all of these reasons, and on behalf of the citizens of Battle Creek, I am very proud to offer this tribute to Rance Leaders, retiring City Manager of Battle Creek, Michigan. I know that Rance enjoys sailing and may take some time to explore other areas of our world. But all of us hope he stays anchored in Battle Creek.

Thank you, Rance, and good luck. Bonnie and I wish you the very best.

PERSONAL EXPLANATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. SERRANO. Mr. Speaker, last evening, I was inadvertently delayed in my office and missed the vote on H. Con. Res. 285, a resolution expressing the sense of Congress that the President should reconsider his decision to be received in Tiananmen Square when he visits the People's Republic of China.

Had I been present, I would have voted against the resolution. I fully believe that if the United States is to exercise leadership in the world and, particularly, to influence other governments to adopt policies we support on issues such as human rights, we must be engaged with those governments. This includes exchanging visits, but a resolution urging the President to insult his hosts by refusing to be received where all national leaders are received comes pretty close to telling the President not to go to China at all.

Indeed, Mr. Speaker, I would go a step farther. China is not the only nation with which we should be engaged. I look forward to the day when our policies toward Cuba will make possible an American President's visit there, and, when that day comes, I will be happy to support a resolution calling on the President to be received in the Plaza of the Revolution in Havana.

TRIBUTE TO RABBI HAROLD AND MALKAH SCHULWEIS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Harold and Malkah Schulweis, two extraordinary individuals who have, throughout their 50 years of married life, dedicated themselves to strengthening our community.

The Talmud tells us that, ''Great is charity. It uplifts the soul.'' By giving selflessly of their time, Rabbi and Mrs. Schulweis have not only enriched the lives of those around them, but they have also strengthened the bond of love that exists and continues to grow between them. They have challenged all of us who live in the San Fernando Valley to live ethical and moral lives, embrace their warm spirituality and their commitment to education and personal growth. For their efforts, Rabbi and Mrs. Schulweis will be honored by Valley Beth Shalom, their temple of over 25 years, as Couple of the Year at the Temple's annual awards gala. This honor is well deserved.

For over 45 years, Rabbi and Mrs. Schulweis have dedicated themselves to teaching others about religion, culture and life in general. Privately, they have created a Jewish home which is caring, compassionate and alive with moral and intellectual dialogue. Publicly, they have ''sounded the call,'' challenging their fellow congregation members to study and share in their love of knowledge.

But this dedication to others has not been bound by temple walls. Together, Rabbi and Mrs. Schulweis have coordinated a number of innovative community outreach programs, among them the Valley Beth Shalom Counseling Center, Food Bank, Prayer and Theological Commission, Day School, and Outreach to Jews By Choice as well as the now national Synagogue Havurah Program. Together, they have opened their hearts to all members of the community, regardless of race, creed, color, or gender. They have been shining examples of love and unconditional acceptance of others in our community. And it is this love between this remarkable couple that I wish to honor today. May their happiness continue to grow as it has through their first 50 years of marriage.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Rabbi Harold and Malkah Schulweis for their controlled efforts to strengthen our community and the example of love for one another that they continue to set for each and every one of us to follow.

COMMENDING TOM CONLAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. PORTMAN. Mr. Speaker, I rise today to commend a leader in the Cincinnati community, Mr. Tom Conlan. On June 15, Tom will receive the Peace of the City Award from the Jewish Community Relations Council of Cincinnati. This award is presented annually to citizens who contribute greatly to the life of their community and whose lives are dedicated to creating a fair, equitable and just society for all.

Throughout his life, Tom has assisted others through his professional career and charitable activities. Tom's professional career has included financial analysis and feasibility of higher education, energy, housing and health care. For example, he has served as executive director of the Ohio Energy Advisory Committee, where he spearheaded the development of the Winter Heating Assistance Program.

Importantly, Tom and his father co-founded Student Loan Funding in 1981, an organization dedicated to ensuring access to higher education in Ohio and throughout the nation. Over the past 17 years, Student Loan funding has helped over 600,000 students achieve their dreams of higher education with more than $4 billion in financial aid.

Most recently, Tom demonstrated his commitment to education through the formation of the Thomas L. Conlan Education Foundation, named after his late father. It is dedicated to supporting education access through grants, research and advocacy. With approximately $100 million in assets, the Foundation will be one of the premier education support organizations in Ohio.

Tom's charitable activities have included service on the Boards of the Hamilton County Alcohol and Drug Addiction Services, the National Underground Railroad Freedom Center,

the Queen City Foundation, the Greater Cincinnati Tall Stacks Commission and the Catholic Big Brothers Association of Cincinnati.

The Peace of the City Award is a well-deserved recognition for a man whose efforts have significantly increased educational attainment in Ohio, and whose community involvement has contributed to the quality of life in Greater Cincinnati.

COMMEMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA, H. RES. 459

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. GILMAN. Mr. Speaker, I am proud to introduce today a Resolution commemorating 50 years of relations between the United States and the Republic of Korea. It is right and fitting that the House of Representatives makes note of the special relationship that the United States and the Republic of Korea have shared since 1948—nearly half a century.

The introduction of this Resolution also marks the visit of South Korean President Kim Dae-jung to the United States and to Capitol Hill next week on June 10th where he will address a joint session of the Congress.

I congratulate President Kim and the people of South Korea on the most recent presidential elections and their strong commitment to democratic principles and practices. President Kim's visit provides a unique opportunity for the United States and the Republic of Korea to renew their commitment to cooperate on issues of mutual interest and concern.

Though the United States and South Korea are literally an ocean apart, the large Korean-American community—of almost two million—has immeasurably enriched the social and cultural fabric of the United States and serves as a sturdy bridge of friendship between the two countries.

The United States has important strategic, economic and political interests at stake in Northeast Asia and maintaining stability remains an overriding U.S. security concern in the region. South Korean soldiers have stood shoulder to shoulder with American troops on the battlefields of Korea and Vietnam to protect and advance these mutual interests.

Today, South Korea remains an important partner and ally in guarding the peace and maintaining stability in Northeast Asia. To support these objectives, 37,000 American servicemen and women are stationed in South Korea protecting freedom and democracy which is threatened on a daily basis by the communist government and armed forces of the Democratic People's Republic of Korea (DPRK).

The United States is pleased with the flourishing of democracy in South Korea. It is hoped that the Republic of Korea will serve as an example to others in the region and will encourage progress in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

I am confident that despite current economic uncertainties, the Republic of Korea will weather the troubles plaguing Asia and emerge even stronger than before.

The Congress looks forward to a broadening and deepening of friendship and cooperation with the Republic of Korea in the years ahead for the mutual benefit of the peoples of the United States and the Republic of Korea.

I am pleased to have this opportunity to introduce the legislation and I invite my colleagues in the House of Representatives to support this Resolution commemorating the distinctive ties between the peoples and the governments of these two great nations.

I include the entire text of H. Res. 459 for insertion at this point in the RECORD:

H. RES. 459

Whereas the Republic of Korea was established 50 years ago on August 15, 1948;

Whereas the United States and the Republic of Korea have long had a close relationship based on mutual respect, shared security goals, and common interests and values;

Whereas the United States relies on the Republic of Korea as a partner and treaty ally in fostering regional stability, enhancing prosperity, and promoting peace and democracy;

Whereas the American military personnel who are, and have been, stationed on the Korean Peninsula have been key in deterring armed aggression for more than 4 decades;

Whereas South Korean soldiers fought alongside American troops on the battlefields of Korea and Vietnam;

Whereas the Republic of Korea has embraced economic reform and free market principles in response to current economic circumstances;

Whereas the Republic of Korea is an important trading partner of the United States, the recipient of significant direct American investment, and a prominent investor in the United States;

Whereas the large Korean-American community has made significant contributions to American society and culture;

Whereas the people of the Republic of Korea have demonstrated their strong commitment to democratic principles and practices through free and fair elections; and

Whereas the state visit of President Kim Dae-jung to the United States offers the people of the United States and the people of South Korea an opportunity to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Republic of Korea on the 50th anniversary of its founding;

(2) commends the people of the Republic of Korea on the peaceful democratic transition that has taken place during the most recent Presidential elections;

(3) supports the government of President Kim Dae-jung as it takes appropriate measures to address the problems in the Korean economy;

(4) confirms that the question of peace, security, and reunification on the Korean Peninsula is, first and foremost, a matter for the Korean people to decide and that the Four-Party Peace Talks complement direct North-South dialog; and

(5) looks forward to a broadening and deepening of friendship and cooperation with the Republic of Korea in the years ahead for the mutual benefit of the people of the United States and the people of the Republic of Korea.

REMEMBERING THE LIFE AND COMMITMENT OF ROBERT F. KENNEDY ON THE 30TH ANNIVERSARY OF HIS DEATH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to the memory of one of our Nation's most compassionate and principled leaders—Robert Francis Kennedy, who was assassinated thirty years ago today. He served our country as Attorney General and United States Senator, but his legacy cannot be measured by mere titles and offices; rather, his greatness can only be understood by understanding the uncompromising morality of his political philosophy, his devotion to the most downtrodden in our society, and the intellectual eloquence of his efforts to communicate their needs to the rest of the American community.

Robert F. Kennedy believed that one person, standing alone and guided only by the courage of his or her convictions, could move metaphorical mountains. His inspirational words to the oppressed black people of South Africa, spoken 32 years ago today, capture this spirit. They apply not just to those who were fighting against the brutal racism of apartheid, but to all of us. These words apply in particular to the life of Robert F. Kennedy.

> Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation. * * * It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Robert F. Kennedy rode the crest of an immense wave, serving as the nucleus of so many great progressive causes that marked the 1960's and helped mold a more just society, one less encumbered by bigotry, poverty, and apathy. His numerous lofty causes reflected these high ideals.

Senator Kennedy fought for civil rights with a moral intensity rarely matched by the most legendary of noble crusaders. During his visit to South Africa, a land fractured by the scourge of apartheid, he addressed the most controversial questions with the absolute certainty of a man driven by the righteous rectitude of his cause. When asked at the University of Witwatersrand to respond to charges that blacks were too barbarous to be entrusted with power, he replied: ''It was not the black man of Africa who invented and used poison gas and the atomic bomb, who sent six million men and women and children to the gas ovens.'' He condemned the race-baiting leaders of South Africa to their faces, leaving no doubt about the moral degeneracy of their policies.

Robert F. Kennedy's quest for human rights was felt most strongly by his own countrymen. As Attorney General, he did not hesitate to stare down Southern governors who attempted to curry favor with the Ku Klux Klan

by denying justice and opportunity to minorities. He sent federal marshals to integrate the University of Alabama, the University of Mississippi and other public institutions, withstanding vicious personal attacks against him in order to break down centuries-old barriers of hatred. As a United States Senator, he worked diligently to pass a wide array of civil rights legislation, including the Voting Rights Act of 1965. And as a presidential candidate in 1968, he uttered the following words to a crowd of black men and women in Indianapolis as he informed them of the tragic death of Rev. Martin Luther King, Jr.:

What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness, but love and wisdom, and compassion toward one another, and a feeling of justice toward those who will suffer within our country, whether they be white or they be black.

These were the words of a man who had known great pain after the assassination of his brother, but had overcome his hatreds to strive for a greater cause. His words touched the audience and helped to ease their immense pain at the loss of their leader.

Senator Kennedy's devotion to America's underprivileged extended to those whose problems were economic as well as social. He spoke with sharecroppers in Mississippi, hungry families in Appalachia, dispossessed Indian youths on the reservations, and migrant workers in California. He listened rather than preached to them, grasping their pain and fighting with them to ease it. Kennedy understood their longing for self-sufficiency, not government handouts. He campaigned tirelessly to provide a platform from which they could rise above their hellish circumstances: investment in impoverished cities and towns, comprehensive welfare reform (decades ahead of its time), strong advocacy for the expansion of educational opportunity, and the implementation and enforcement of labor laws to protect abused workers and, especially, exploited children.

Kennedy believed most passionately in the need to provide a better society for these young people: on the opening page of his 1967 book ''To Seek A Newer World,'' he quoted the French intellectual Albert Camus: ''Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who in the world can help us do this?'' Kennedy's disgust at the mistreatment of children is most movingly shown by the story of a trip to a migrant worker camp in upstate New York in 1967. The noted historian Arthur M. Schlesinger, Jr., recorded an account of this visit in his biography ''Robert Kennedy And His Times.''

* * * The owner's sign warned: ANYONE ENTERING OR TRESPASSING WITHOUT MY PERMISSION WILL BE SHOT IF CAUGHT. This discouraged most of the party. Kennedy, head down, kept walking. He found three migrant families living in an old bus with the seats ripped out. Inside he saw six small children, their bodies covered with running sores. The stench was overpowering * * *. Cardboard covered the windows of the next bus, where a child played forlornly on a filthy mattress. 'As Kennedy looked down at the child,' reported Jack Newfield, 'his hands and his head trembled in rage. He seemed like a man going through an exorcism.' The owner, as billed, had a gun. 'You had no right to go in there,' he said. . . . Kennedy replied in a whisper, 'You are something out of the 19th century. I wouldn't let an animal live in those buses. . . .'' Once back in the twentieth century, Kennedy demanded that [New York Governor Nelson] Rockefeller investigate health conditions in the camps and called on labor leaders to organize the migrants.''

Mr. Speaker, we will never know for certain the impact that Robert Kennedy might have had upon our country as President of the United States, but I believe it fair to speculate that fewer children would live in abandoned buses today if his boundless compassion and his energetic commitment had become a driving force behind our government.

This love of children was the source of his desire to improve the quality of our nation's schools. I once had the privilege of working with him on this all-important issue. As a young professor of economics and as a member of the Millbrae, California, school board, I was invited by Senator Kennedy's Committee to testify on the merits of the Elementary and Secondary Education Act. Senator Kennedy's inciteful questioning reflected an unencumbered devotion to ensuring that all children, regardless of their race, ethnicity, geographic or economic circumstances, had access to a top-notch education that would prepare them to access unlimited opportunities.

Senator Kennedy's feelings for young people also led him to his principled stand against the Vietnam War. A committed anti-Communist whose belief in civil liberties mandated his abhorrence of collectivist oppression, Robert Kennedy was a key participant in the dealings with Nikita Khrushchev and Fidel Castro during the Cuban Missile Crisis. By the mid-1960's, however, he realized that the Johnson Administration's Vietnam policy would do little to curb Communism despite its sacrifice of thousands and thousands of young American men. Kennedy did not shy away from communicating his deep emotions regarding this loss. He once said:

Our brave young men are dying in the swamps of Southeast Asia. Which of them might have written a poem? Which of them might have cured cancer? Which of them might have played in a World Series or given us the gift of laughter from the stage or helped build a bridge of a university? Which of them would have taught a child to read? It is our responsibility to let these men live. * * * It is indecent if they die because of the empty vanity of their country.

Kennedy loved his country and all of its people, but he was not afraid to be unpopular if it meant doing what he felt was right.

Mr. Speaker, Robert F. Kennedy's life was cut short by an assassin's bullet 30 years ago today, and with his passing America lost one of its most brilliant and compassionate leaders. Many of his gifts, however, live on to this day. His invaluable contributions to civil rights, economic justice, and a moral and principled foreign policy will not be erased from our consciousness. Robert F. Kennedy's children have followed their father's example by their commitment to public service, and I am proud to have worked for the last twelve years with his oldest son, Rep. Joseph Kennedy, Jr., a dear friend and tireless advocate for human rights and the underprivileged.

I invite my colleagues to join me in remembering Robert F. Kennedy. I pray that we all let his moral courage guide our public service, and that we ensure that his lessons will never be forgotten.

TRIBUTE TO L'ANSE CREUSE MIDDLE SCHOOL SOUTH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. BONIOR. Mr. Speaker, education is a lifelong commitment and adventure. As children and adults, we all have reaped the benefits of our teachers' and school administrators' dedication. That is why each year, the United States Department of Education awards a selection of secondary schools with the Blue Ribbon Schools Award. This year, one hundred and sixty-six schools will be presented with the honor. We, in Macomb County, are proud of the fact that one of our own—L'Anse Creuse Middle School South—has been chosen to receive this important award this year.

As you walk into L'Anse Creuse Middle School South, a banner greets you with the words, ''This is our village, these are our children. Love them, teach them, guide them.'' These are not merely words decorating a hallway. They symbolize the dedication that the staff feels for their students. As a recipient of the 1998 Blue Ribbon School Award, L'Anse Creuse Middle School South has worked hard to create a supportive educational environment for their students.

In 1975, L'Anse Creuse Middle School South opened its doors to students in Harrison Township, Michigan. Within the walls of Middle School South, an emphasis has been placed on academic success and self-esteem. The highly trained teaching staff is committed to working with each student as an individual. It is cooperation and respect between the staff and students that makes L'Anse Creuse Middle School South an exciting environment in which to learn and grow.

Each fall, for the past twenty-three years, students have entered the doors of L'Anse Creuse Middle School South to find a nurturing environment in which to learn. As a Blue Ribbon School, Middle School South is a working example for other schools to follow. I am proud to honor the achievements of the students and staff at L'Anse Creuse Middle School South.

HONORING MR. JIM BILL MCINTEER FOR HIS 77TH BIRTHDAY, AND FOR THE 60TH ANNIVERSARY OF 21ST CENTURY CHRISTIAN

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Jim Bill McInteer for his 77th birthday, and for the 60th anniversary of 21st Century Christian. This powerful, religious periodical, which humbly originated out of the home of M.N. Young, Sr., in 1938, is now in circulation to more than 6,000 people.

Mr. McInteer, who began his service with 20th Century Christian in 1947, working as a business manager, has been afforded the privilege to see this vehicle for Christ not only reach its 60th year of service, but also has been fortunate enough to stand at the helm,

as this magazine now prepares itself for the new millennium—thus the name change to 21st Century Christian.

But more outstanding than recognition, medals or fame is the story of how Jim Bill McInteer, M. Norvel Young, Winston Moore and several others courageously worked with this organization in its early stages, while having to overcome a mountain of adversity. They relentlessly pursued a way to relate the Gospel to the lives of people everywhere. And, of course, they faced the financial realities of such a venture, which would constantly whisper discouragement to them.

Yet, these Christian leaders were equipped with an extraordinary amount of faith and fortitude, desiring to see ''New Testatment Christianity'' brought to the forefront of the modern age. They would work tirelessly knowing that many hurting people had a dire need to read and be encouraged by the Gospel.

As a result of the determination of Jim Bill McInteer and his partners, the 20th Century Christian magazine grew beyond its humble beginnings under the steps of the David Lipscomb College auditorium to a brand new 22,000 square-foot facility equipped with a bookstore, a warehouse filled with thousands of useful Christian books, Bibles and Christian curriculum materials.

Thanks to the services of the men and women at 21st Century Christian, the good news of the Gospel has reached and continues to reach the lives of many families all throughout Tennessee.

And I reserve a special ''thank-you'' to Jim Bill McInteer, whose visionary leadership and unselfish Christian service will have a far greater impact than his eyes will ever see. May God continue to shine upon his life, family and service as He has for the past 77 years. And may the future receivers and readers of 21st Century Christian literature forever be touched with the encouragement and inspiration that it has already brought to the lives of so many others.

THE STUDENT WINNERS OF THE 1998 EXPLORAVISION AWARDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. BROWN of California. Mr. Speaker, for the recognition of their achievement, I am inserting into the RECORD the names of the student winners of the 1998 ExploraVision Awards:***HD***1998 First Place Finalists

Holmes Elementary School, San Diego, CA; Grade Level: K–3; Project: Finders Keepers; Students: Ashlyn Hrenko, Rachel Sampson, Tyler Santander; Teacher Advisor: Diana Celle; Community Advisor: Steve Celle.

Pickens Academy, Carrollton, AL; Grade Level: 4–6; Project: Operation Odor Eater; Students: Wetherly Collins, Maggie King, William Webb Lavender; Teacher Advisor: Nita Bailey; Community Advisor: Natalie Lavender.

Kate Collins Middle School, Waynesboro, VA; Grade Level: 7–9; Project: In Vivo Cartilage Implants: The Technological Application of Tissue Engineering to Regenerate Articular Cartilage; Students: Andrew Humphries, Lauren Preski, Kristen Burgess, Elizabeth Anderson; Teacher Advisor: Dr. John E. Pierce; Community Advisor: David A. Burgess, MD.

University of Detroit Jesuit High School and Academy, Detroit, MI; Grade Level: 10–12; Project: SMAART: Shape Memory Alloys in Airplanes Reduce Turbulence; Students: Brett Lee, Joseph Oravec, William Schlotter, Daniel Tremitiere; Teacher Advisor: Anne Moeser; Community Advisor: W. Charles Moeser.***HD***1998 Second Place Finalists

Bluemont Elementary School, Manhattan, KS; Grade Level: K–3; Project: DNA Door Opener; Students: Phillip Kuehl, Margaret Thomas, Jamon John, Benjamin Stark-Sachs; Teacher Advisor: Cynthia Garwick; Community Advisor: John Garwick.

Eugene Christian School, Eugene, OR; Grade Level: K–3; Project: The Tooth Buffer; Students: Scott Oplinger, Micah Randall, Alex Woldt; Teacher Advisor: Gwen Philipsen; Community Advisor: Thomas Zorn.

Mayfield Woods Middle School, Elkridge, MD; Grade Level: 4–6; Project: The Medwatch; Students: Andrew White, Robert K. Albin II, Christopher Perks, Nirav Parekh; Teacher Advisor: Lynn Birdsong; Community Advisor: Kem White.

Leeds Elementary School, Arlington, WI; Grade Level: 4–6; Project: The Smart Smoke Detector; Students: Charles Delorey, Jeffrey Mueller, Ashly Hall; Teacher Advisor: Jeffrey Stern; Community Advisor: Roger Bjorge.

Point Grey Mini School, Vancouver, BC; Grade Level: 7–9; Project: N.A.F.T.A.-Newron Activation: A Frequency Technology Application; Students: Barry Wohl, Robyn Massel, Carly Glanzberg, Isaac Elias; Teacher Advisor: John O'Connor; Community Advisor: Sanford Wohl.

John Burroughs School, St. Louis, MO; Grade Level: 7–9; Project: QUACK-The Duckweed Paper; Students: Anita Devineni, Eric Hirsh, Jonathan Pollock, Catherine Whyte; Teacher Advisor: Mary Harris; Community Advisor: Elaine Kilmer.

University Laboratory High School, Urbana, IL; Grade Level: 10–12; Project: NaMReH: The Tissue Engineered Nanomachine Monitored Replacement Heart; Students: Mara Bandy, Kim Ly, Zeynab Moradi, Anna Sczaniecka; Teacher Advisor: David Stone .

South Salem High School, Salem, OR; Grade Level: 10–12; Project: AntiQuake: Securing Society Through the Science of Nitinol; Students: Randy Kluver, Patrick Gilger, Daniel Gruber, Joy Harms; Teacher Advisor: Michael Lampert.

PARITY FOR MENTAL HEALTH CARE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to bring to the attention of this Congress a study that has found that health insurance coverage for mental health is being cut far faster than issuance coverage for physical injury and illness.

This study found that mental health benefit costs have been slashed six times as often as general health benefit costs over the past 10 years. Where the value of general health benefits has declined 7 percent (from $2,326.86 per covered individual in 1988 to $2,155.60 in 1997), the value of mental health benefits has declined 54 percent (from $154.08 in 1988 to $69.61 in 1997), according to the report.

This study was prepared by the Hay Group on behalf of the National Association of Psychiatric Health Systems, the Association of Behavioral Group Practices and the National Alliance for the Mentally Ill.

As the study shows, discrimination in benefits for mental health care persists. Mental health care has been, and remains, subject to different limits, caps, and deductibles than general health care. In addition, these caps, limits, and deductibles have not raised substantially in the past 10 years to account for inflation. That translates into additional erosion of the behavioral health benefit.

This is discrimination. And this is the reason the House Mental Health Working Group and I have introduced comprehensive legislation requiring health insurance companies to establish parity between mental health and substance abuse coverage and coverage for physical illnesses and injury.

The Mental Health and Substance Abuse Parity Act would prohibit insurance companies from setting spending limits for mental health and substance abuse coverage that are lower than limits set for physical illness or injury. Legislation introduced and passed with my initiative in 1996 prohibited unequal limits on annual and lifetime spending levels. This legislation goes further by prohibiting limitations on the frequency of treatments, number of visits, or other limitations on treatment not imposed for medical-surgical treatment. It would also prohibit copayments, deductibles, out-of-network charges, and out-of-pocket contributions or fees not imposed for medical surgical treatment.

This bill has been endorsed by the Coalition for Fairness in Mental Illness Coverage, which includes the American Medical Association, American Psychiatric Association, American Psychological Association, National Mental Health Association, National Alliance for the Mentally Ill, American Managed Behavioral Healthcare Association, Federation of American Health Systems and National Association of Psychiatric Health Systems.

The cost of mental health parity is small, especially when weighed against its benefits. A study by the Department of Health and Human Service's Office of Substance Abuse and Mental Health Services Administrations found the average increase in insurance premiums necessary to achieve parity for mental health coverage would be only 3.4 percent. Adding both mental health and substance abuse parity would require a combined increase of 3.6 percent.

Mental illness is not a character flaw, but a tangible treatable health problem as real as hypertension, cancer or heart disease. Today, the advances of our medical system have given us scientific breakthroughs that make appropriate care as effective for mental illness as insulin is for a diabetic.

It is time that health insurance plans recognize that mental illness is an illness. Most people who suffer from mental illnesses can live normal lives if they receive treatment but most can't receive treatment if their insurance won't pay for it.

The bottom line is that discrimination against people with mental and addictive disorders still exists. It must end.

TRIBUTE TO CHIEF RALPH H. ANDERSON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. McGOVERN Mr. Speaker, I rise today to pay tribute to an outstanding public servant, Police Chief Ralph H. Anderson. Chief Anderson is retiring after 30 years of dedicated service with the Rutland Police Department. I join his family, friends and colleagues in celebrating his distinguished career.

Chief Anderson began his career as a police officer in 1968 and became Chief of Police in 1983. Ralph Anderson's devotion to his community is truly impressive. During Ralph Anderson's tenure with the Rutland Police Department, a larger and more effective police force emerged. Under his guidance, community programs including Neighborhood Watch and Kindness Police programs have prospered, helping to make his community safer for all.

Mr. Speaker, it is my great pleasure to honor Chief Ralph H. Anderson for his strong commitment to serve the hardworking citizens of central Massachusetts and his genuine concern for his community. I want to congratulate and wish him the very best in his retirement.

A TRIBUTE TO PASQUALE ''PAT'' J. CURCIO, OF COPIAGUE, LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. FORBES. Mr. Speaker, I rise today to join my friends and neighbors as we pay tribute to Pasquale ''Pat'' J. Curcio, of Copiague, who received an ''Honorary Doctorate Degree'' from New York Institute of Technology for his leadership in many of Long Island's civic, community and educational causes.

Pat Curcio was honored because the college appreciates his seemingly endless contributions of time and energy to the Long Island community. Pat works tirelessly to improve the quality of life of all his neighbors, and his support, leadership and dedication have made our community a better place.

To celebrate this recognition, Pat's friends are establishing a scholarship fund at New York Institute of Technology in his name. This scholarship will help deserving students pursue their dreams of a college education and a career in communications, engineering, criminal justice, a political science or medicine.

Pat's accomplished business life includes more than 35 years experience in computer graphics, aerospace engineering, telecommunications and architectural design, leading to many awards and accolades. He received the ''1st Shuttle Flight Achievement Award'' and the ''Creative Development of Technology Award'' from NASA and the ''Recognition of Achievement Award'' for his work on the Orbital Flight of the Space Shuttle.

A natural leader, Pat serves as Vice Chairman for the New York State Conservative Party, and Chairman of the Suffolk County and Babylon Town Conservative Parties. For 25 years, Pat served the Babylon Town Zoning Board of Appeals, and has been recognized for his exceptional public service by every major political party, organization and club in New York State, Nassau and Suffolk Counties.

Yet, Pat is most proud of his work on behalf of fellow Long Islander Corporal Anthony Casamento in his battle against bureaucratic red tape so that he could receive the Congressional Medal of Honor for his heroic actions at Guadalcanal. Pat spearheaded a grassroots organization that for two and a half years worked to bring recognition to Corporal Casamento's heroism. President Jimmy Carter presented Corporal Casamento with the Medal of Honor in a White House, Rose Garden ceremony.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Pat Curcio and to recognize his commitment to promoting and protecting the quality of life for all of Long Island, for his family and his community. We are truly blessed to count him as our friend and neighbor.

HONORING LIEUTENANT COLONEL GARY C. POWELL

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. STENHOLM. Mr. Speaker, I rise today to recognize Lieutenant Colonel Gary C. Powell upon his retirement from the United States Army after serving our great nation for over 20 exemplary years. For the past three years Lieutenant Colonel Powell has served as the Congressional Affairs Contact Officer for the Deputy Chief of Staff for Personnel, Headquarters Department of the Army. In this position he has established a solid reputation among his peers and superiors alike. He serves as the principal advisor to the Deputy Chief of Staff for Personnel on all matters relating to congressional activities.

Lieutenant Colonel Powell was born in Rotan, Texas on September 25, 1953. Upon completion of the Reserve Officers' Training Corps curriculum and the educational course of study at Hardin Simmons University in 1977, he was commissioned a second lieutenant of Infantry and awarded a BS degree in Social Work. He also holds a Master of Arts degree in Human Resource Development from Webster University. His military education includes completion of the Infantry Officer Basic and Advanced Courses, the Combined Arms Staff Course, and the United States Army Command and General Staff College.

His initial assignment was at Fort Campbell, Kentucky with the 101st Airborne Division. There he served as a rifle platoon leader, antitank platoon leader, and company executive officer, 1st Battalion, 503d Infantry, 3d Brigade, 101st Airborne Division. In January 1980, he was assigned to the United States Army Ranger Department as a Ranger Instructor in the Florida Ranger Camp. He attended the Infantry Officer Advance Course in October 1982. After graduating in 1983, he was assigned as a Test Officer with the United States Airborne and Special Operations Test Board at Fort Bragg, North Carolina. In November 1984 he was assigned as an assistant operations officer with 3d Brigade, 82d Airborne Division. In May 1985 he assumed command of A Company, 1st Battalion, 505th Parachute Infantry Regiment, and again assuming command in June 1986 of Headquarters Company, 505th Parachute Infantry Regiment, 82d Airborne Division. In June 1987 he was assigned as a combat arms assignment officer in the Office of the Deputy Chief of Staff for Personnel, XVIII Airborne Corps. He served in this capacity until his selection and assignment in July 1988 as the commander of the Joint Security Force Company, United Nations Command Security Force, Panmunjom, and Republic of Korea. After completion of his command, he was assigned as an operations officer in the Office of the Deputy Chief of Staff for Plans and Operations, III Corps and Fort Hood, Texas. He left Fort Hood in June 1991 to attend the Command and General Staff College at Fort Leavenworth, Kansas. After graduating in 1992, he was assigned as the Operations Officer for the 2d Battalion, 505th Parachute Infantry Regiment, 82d Airborne Division, at Fort Bragg, North Carolina. Following his tour, he was selected to become the Deputy Chief of Staff for Force Integration for the 82d Airborne Division. In June 1994, he was assigned to Headquarters, Department of the Army, Office of the Deputy Chief of Staff for Personnel, in Washington, DC. He served as a Personnel Systems Staff Officer until his selection in October 1995 to become the Deputy Chief of Staff for Personnel, Congressional Affairs Contact Officer.

Lieutenant Colonel Powell's military decorations include the Meritorious Service Medal with three oak leaf clusters, the Army Commendation Medal with six oak leaf clusters, the Army Achievement Medal, the Army Superior Unit Award, the National Defense Service Medal, the Armed Forces Reserve Medal, the Expert Infantryman Badge, the Master Parachutist Badge, the Ranger Tab, the Air Assault Badge, the Australian Parachute Badge, and the Army Staff Identification Badge. He has served with great distinction and has earned our respect and gratitude for his many years of unselfish service to our nation's defense.

It is with great pride that I congratulate Gary upon his retirement and wish he and his wife, Tonie, all the best as they move on to face new challenges and rewards in the next exciting chapter of their lives.

KEEP THE GOVERNMENT OUT OF THE SOFTWARE INDUSTRY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. DELAY. Mr. Speaker, until recently, the computer services industry, an engine of economic growth and job creation in the United States, has remained unbridled by the government. But that all changed when the Clinton Justice Department decided that Microsoft—a company whose innovations have made the personal computer the modern personal productivity tool—that Microsoft is harmful to the U.S. economy and must therefore be regulated.

The computer software industry has doubled its number of employees in the last eight

years. It is growing at 2½ times the rate of the U.S. economy. And it consistently delivers consumers more innovative products at lower prices. But despite these facts, the U.S. Department of Justice insists that the industry is not competitive. Instead, the DOJ suggests that Microsoft, a company at the center of all that job creation and economic growth, should be regulated. That's right. The problem with the computer services industry, insists the Clinton Justice department, is that the government needs to be more involved. Isn't this the president who told us the era of big government is over? When government starts defining for our nation's fastest growing industry which innovations will be legal, which will be illegal, what can be given away for free and what cannot—well, I say that that is the definition of big government.

Mr. Speaker, every industry the government has ever tried to manage has suffered because of it. The free market works. And I defy any member to name just one industry—just one—that has generated as much economic growth and good-paying jobs as the computer services industry has, that was improved when government lawyers decided to regulate it.

Apparently the American people understand this better than the Justice Department. They understand that the way to ensure competition is to let consumers and the market decide, not government regulators. They understand that Microsoft is an agent of economic growth, not an obstacle to it. And the American people understand that Microsoft's success has helped establish the U.S. as the worldwide leader in the computer and software industries.

I, for one, do not believe we should sacrifice this world leadership on the altar of government regulation just because the Clinton Justice Department thinks consumers are incapable of making intelligent market choices.

Computers and software are big markets, and each new technological innovation opens up vast economic opportunities for the companies that have the wisdom and creativity to take advantage of them. The market does not guarantee equal outcomes, and the government should not come to the aid of businesses that didn't make smart choices.

The Department of Justice should take that to heart. And the software companies supporting the DOJ's suit against Microsoft should consider the chilling prospect that tomorrow it could very well be they who the government next decides to regulate.

The bottom line is that most software companies would gladly trade places with Microsoft. It's a great company that has been innovative, improved its products, been aggressive, and reaped the rewards of market success. The place for companies to compete with Microsoft, however, is in the marketplace, where consumers will let the competitors know whose products they like and what innovations they want to see.

But for the government to choose sides in a highly competitive industry is not only unfair, it's not necessary. If Microsoft is to fail, it should be because it failed to innovate, not because its innovations were outlawed by the Clinton Justice Department.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.Con. Res. 284) revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States government for fiscal year 1999, and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003:

Mrs. MORELLA. Mr. Chairman, I voted against the rule for consideration of the House budget resolution yesterday and I will vote against the resolution itself when it is considered later today.

I voted against the rule because it did not allow consideration of the Minge-Stenholm budget substitute, a proposal based on the Senate-passed budget resolution. The Senate budget resolution closely tracks the Balanced Budget Act passed last summer, maintaining the discretionary caps set in last year's budget agreement and allowing for realistic tax cuts if offsets are provided. I strongly believe that we should follow the budget agreement that we approved by a wide bipartisan vote. In so doing, we could move quickly to approve the appropriations bills for Fiscal Year 1999 and avoid delaying our responsibility to pass all thirteen funding bills before October 1.

The Budget Committee budget resolution simply goes too far. Cutting $101 billion over five years beyond the cuts required by last year's budget agreement is too extreme and would do great harm to a number of domestic programs. It is important to understand that all of these additional cuts would come from nondefense spending. Of that total, $45 billion in additional domestic discretionary reductions would be required and $56 billion in additional mandatory spending reductions would be necessary. The additional $101 billion in cuts would be used for tax cuts.

Achieving that level of savings required under last year's budget agreement will be difficult enough—it is hard to imagine how we would achieve an additional $101 billion in cuts. The very fact that the bulk of these cuts are put off until 2002 and 2003 makes it clear that they would not only be extremely painful, they would be nearly impossible to achieve. We simply cannot provide a $101 billion tax cut without requiring unrealistic and unfair reductions in domestic programs.

Further, the Budget Committee's resolution bypasses the ''PAYGO'' rules by allowing a portion of the tax cut to be financed by cuts in discretionary spending. As the Concord Coalition has stated, ''There is good reason for this rule (PAYGO). Because discretionary programs are funded year-by-year, temporary cuts in discretionary spending should never be used to fund permanent tax cuts. . . The next Congress, or the one after that, may decide to put back the spending that was cut this year. But who thinks they will reinstate the income tax marriage penalty? The lost stream of revenue will continue forever, but the discretionary spending cuts could disappear after the next election. We are concerned that if the PAYGO rule is set aside, it will send a signal that from now on, 'anything goes'.''

While I believe the Budget Committee was correct in dropping their recommendations for specific proposals to achieve the additional cuts, some of the savings are required in program areas with few options. For example, the Committee resolution requires a $1.7 billion reduction over five years in mandatory spending under the jurisdiction of the Committee on Government Reform and Oversight, on which I serve. Mr. Speaker, we have seen such attacks on federal employee and retiree benefits before. Because the committee's jurisdiction is limited to federal retirement and benefits and the postal service, it is very difficult to identify mandatory savings in the Balanced Budget Act. Each of the few remaining options are painful. It is unfair to come back again and again to federal employees and retirees who have borne more than their fair share of deficit reduction. In fact, the Budget Committee originally recommended limiting the annual growth in the government's share of FEHBP premiums to the consumer price index, which would result in cost-shifting $3.1 billion in premiums onto retirees and employees. According to a CBO estimate prepared last year, the added annual cost to enrollees would be $400 in 2002 and more in later years. This provision would undo an important change in FEHBP's formula that I offered as an amendment to the BBA. The formula included in the BBA is fair—it is derived from taking a weighted average of all the plans and setting the maximum government contribution at 72%; it will ensure that federal employee premiums do not rise and the government's share and employees' share will remain the same. Alternative proposals to cut mandatory spending could be equally harmful—we have already been through COLA delays and increased contributions to retirement, and it is unfair to keep going back to the same group for increased cuts.

The Budget Committee budget resolution has also been changed to eliminate an assumed $10 billion reduction in outlays in Medicare by requiring instead that the savings come from other income security programs within the Committee on Ways and Means. In effect, it appears that the Committee would be forced to take almost all of this reduction from the block grant for Temporary Assistance for Needy Families (TANF)—breaking Congress' agreement with the governor on welfare reform. Despite large caseload reductions in many states, families who remain on TANF experience substantial obstacles in achieving economic self-sufficiency. This block grant is critical to ensuring the resources are there to assist families in their transition from welfare to work.

The Senate budget resolution closely follows the spending cuts in last year's budget agreement and provides for a much smaller tax cut. A large bipartisan majority support the elimination of the marriage penalty as I do. The Senate budget resolution would provide the means to work toward that objective, while also preserving critical domestic programs.

I urge my colleagues to vote against this rule and this budget resolution. Let us follow the lead of the Senate and approve a sensible and realistic budget resolution. Last year, we passed a strong bipartisan budget agreement; let's stick to it.

50TH WEDDING ANNIVERSARY OF STEPHEN AND EMILY BARAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 50th Wedding Anniversary of Stephen and Emily Baran.

Stephen Baran and the former Emily Sarzensky will have been married 50 years on May 30, 1998. Their wedding took place on May 30, 1948 at the Holy Rosary Church in Passaic, New Jersey.

Stephen and Emily have been residents of the city of Clifton for 43 years, and both are active parishioners of Saint Philip the Apostle Church on Valley Road in Clifton.

Stephen worked for Athenia Steel before his retirement. A United States Army veteran of World War II, he is a member of the local American Legion. Emily has been, and continues to be, a dedicated homemaker.

They have two daughters, Nancy Felipe and Christine Beauvais, and are the proud grandparents of Stephanie Beauvais, Thomas Felipe, and Michael Felipe.

Mr. Speaker, I ask that you join me, our colleagues, Stephen and Emily's family and friends, and the cities of Clifton and Passaic in recognizing the momentous occasion that is the 50th Wedding Anniversary of Stephan and Emily Baran.

TRIBUTE TO CAPTAIN AL GASTON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an outstanding patriot, United States Coast Guard Captain Al Gaston. This guy got a rather odd start for one who serves in the Coast Guard . . . he was drafted by the U.S. Army.

He served two tours in Vietnam, left the Army, went to college, then joined the Coast Guard. During Captain Gaston's command of Group and Air Station Corpus Christi, I have been impressed with his efficiency, his straightforwardness, and his extraordinary ability to exercise good judgment in any situation.

He was thoughtful about keeping my office appraised of situations as they occurred with regard to matters of security. He oversaw Operation Gulf Shield, the largest multi-agency counter-drug operation in the history of the United States.

As a former law enforcement officer myself, I am deeply aware of the price illegal drugs exact from our communities and our nation. Captain Gaston and I share a commitment to keeping drugs off the streets of our country. This native of Cuba, who emigrated here with his family in 1961, has carried out the policies of the United States in a professional manner; he is a true public servant.

The Coastal Bend of South Texas will miss his commitment and integrity. He is dedicated to the principles of democracy. He is the sort of leader who shows respect for the men he commands. Captain Gaston leads by example. He worked incredibly hard, and with a cooperative spirit, with the agencies which formed Operation Gulf Shield. He is a talented diplomat and a dedicated family man. He is quick to give credit, wherever credit is due. He never fails to give out special awards to his men when they deserved it.

Al Gaston is a man of high integrity and value. He goes the extra mile for his duty; and he does his job well. I hope all of you will join me in commending this outstanding public servant and dedicated Coastie.

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. PORTER. Mr. Speaker, on June 3, 1998, I missed three roll call votes. Had I been present, on Roll No. 193, I would have voted yes, on Roll No. 194, I would have voted yes, and on Roll No. 195, I would have voted yes.

H.R. 3946—THE ICCVAM AUTHORIZATION ACT OF 1998

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. LANTOS. Mr. Speaker, recently I introduced legislation to promote better business, protect consumers, increase the efficiency of the federal government, contribute to scientific progress, and protect animals. H.R. 3946—The ICCVAM Authorization Act of 1998—is a non-partisan, non-controversial bill that emphasizes the protection of human health as well as animal health by facilitating the acceptance of alternative testing methods.

Mr. Speaker, there has never been such an impressive marriage of diverse interests working together to supply the same legislation. I am honored and delighted that H.R. 3946 is supported by the Procter & Gamble Company, the Gillette Company, the Colgate-Palmolive Company, the American Humane Association, the Humane Society of the United States, the Massachusetts Society for the Prevention of Cruelty to Animals, the Doris Day Animal League, and over 6.5 million Americans who have demanded viable alternatives to animal testing whenever possible.

Animal tests have been used for over fifty years by federal regulators to test for product safety. In the last decade, however, biotechnology companies have researched, developed, and manufactured alternative testing procedures that are just as effective as outdated animal testing, but these newer technologies currently have no established avenue for receiving approval by federal agencies. By continuing to promote antiquated, although generally accepted, animal tests, federal agencies have put up an unnecessary roadblock to scientific and technological progress and innovation.

Mr. Speaker, in an effort to eliminate duplicative efforts and to increase communication in cross-cutting levels of different Federal regulatory agencies, the ground-work for the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) under the National Institutes of Environmental Health Sciences (NIEHS) was laid by the National Institutes of Health (NIH) Revitalization Act of 1993. The ICCVAM has functioned solely on an ad-hoc basis since that time and was the first body to establish criteria for the validation and acceptance of alternative methods.

This important committee has functioned well and recently completed a final report receiving acknowledgment from federal agencies. Under the NIEHS Applied Toxicological Research and Testing Program, ICCVAM Contracts were listed in the Federal Register: $666,950 (year one), $691,308 (year two), $717,167 (year three), with two additional option years. In contrast, the NIEHS budget for FY1998 was over $300 million. The ICCVAM is a body that more than pays for itself in terms of its worth to the Federal agencies and its contribution to industry and the public.

H.R. 3946 will raise the ICCVAM to standing committee status and thus we can continue to move forward into the next century recognizing and supporting scientific progress. For years, the regulated industries and the biotech companies that engineer alternative testing methods have endured a frustrating, confusing Federal process for test method review and approval. Despite the fact that many companies have committed themselves to ensuring human safety while decreasing the usage of unnecessary animal tests, the federal government has remained unresponsive to their concerns. Mr. Speaker, these businesses have petitioned Congress to authorize the ICCVAM, thus simplifying the process for evaluating new tests.

I have introduced legislation that, for the first time, provides for gathering information in a single body for agencies, companies, animal protection advocates, and the consumer. H.R. 3946 requires that agencies be accountable for providing the appropriate information regarding all regulations, requirements, and recommendations on the animal tests under their respective jurisdictions. Federal agencies with jurisdiction over toxicity tests would be required to review and identify all regulations that require animal use for toxicity tests and forward the list to the ICCVAM.

Mr. Speaker, by adopting this legislation, the Congress will demonstrate a commitment to increasing the health and environmental safety of Americans. H.R. 3946 will open the doors to more technologically-advanced methods of research that will more closely replicate the reactions of the human body than does the current research that is done on animals. When a method meets a specific endpoint for specific agencies, or needs multiple agency acceptance, the ICCVAM can encourage agencies to modify their recommendations and/or requirements to reflect the best new scientific methods.

H.R. 3946 requires that agencies notify the ICCVAM within 180 days of receiving the ICCVAM's recommendations. The ICCVAM does not mandate the acceptance of any alternative testing method; it requires that federal agencies consider the ICCVAM's recommendations on new test methods and provides strict criteria under which the federal agencies can reject the alternative testing method. Under the Federal Advisory Committee Act, each agency under current federal

statute has the ultimate authority to accept or reject recommendations in any situation under its regulatory jurisdiction.

Importantly, H.R. 3946 will end the incentive for companies to prefer status quo animal tests by giving the ICCVAM the authority to make an otherwise fragmented regulatory process coherent, cost-efficient, and accessible so that industry can more readily market its products.

Mr. Speaker, when the NIEHS worked towards the goal of establishing the ad-hoc ICCVAM as a single review body for the entire federal government, the objective was to end the usage of inappropriate tests from as far back as the 1940's before we stepped into the 21st century. Without the ICCVAM, we will fall short of maximizing health and human safety protections for all consumers. H.R. 3946 prioritizes high human health standards.

Mr. Speaker, to ensure that there is no confusion in its objectives and jurisdictions, H.R. 3946 also contains a specific exemption for regulations, guidelines, or recommendations related to medical research, expressly written into the bill. In effect, Mr. Speaker, medical research is not directly regulated by the federal agencies in the same manner as product testing.

Mr. Speaker, I am delighted to introduce the ICCVAM Authorization Act of 1998. I believe that H.R. 3946 streamlines the federal bureaucracy while increasing human safety and progress while refining, reducing, and replacing animal testing. We in Congress must ensure that as we step into the next century, the federal government works efficiently to demonstrate leadership in scientific advancement while emphasizing human health and animal health. With these goals in mind, Mr. Speaker, I urge my colleagues to join me by supporting this bill.

Recently, Mr. Speaker, I held a briefing on H.R. 3946. This legislation was broadly supported by the public and by all those who would be affected by this legislation. Mr. Speaker, I would like to defer at this time to the comments of the industry experts, scientists, and animal protection advocates, and federal agency representatives who have been integral in the creation of this legislation. Mr. Speaker, several of these distinguished professionals attended a briefing which I chaired and spoke out in support of H.R. 3946 and the merits of the ICCVAM. I ask that the full text of their testimonies be placed in the RECORD.

TEXT OF PRESENTATION BY DR. KATHERINE STITZEL, THE PROCTER & GAMBLE COMPANY

The Procter & Gamble Company is pleased to be here today to support the ICCVAM Authorization Act of 1998. P&G is one of the largest consumer products companies in the world. Our products our under the sink and in the bathroom medicine cabinet in nearly every home in America and used by billions of people around the world. We have an obligation to ensure our many products are safe not only when they are used as intended, but also when they are accidentally ingested by children, splashed into your eye, or used in other ways which were not intended.

We believe the ICCVAM Authorization Act of 1998 is a very important step in industry's efforts to reduce the use of animals while ensuring product safety. As science has progressed over the years industrial toxicologists have been constantly researching new ways to assess the effects of new products and ingredients. In the last fifteen years we have concentrated on developing and gaining regulatory acceptance of alternative methods, that is methods that reduce the number of animals necessary or the stress caused to the animals or that replace animals with an in-vitro or non-animal method. We have spent over $64MM dollars on this effort and reduced our animal use for non food/non drug testing by over 85% since 1984 even though the Company is more than three times larger than it was in 1984.

While we cannot predict every possible toxicological effect with an alternative test, there are many effects, such as the ability of a material to penetrate the skin, where we still find ourselves having to resort to what we believe is unnecessary animal testing. this is because the process for getting regulatory agencies to accept improved toxicological methods is time consuming, difficult and very rarely successful. Each new test must be submitted for evaluation and approval to each agency—sometimes to several different divisions within one agency. As the agencies are very busy, most do not have the time to carefully evaluate new test methods and therefore they opt to continue to use their current methods. Think about it, we are about to begin the 21st century using many toxicology methods that were originally developed in the 1940's. I can think of few other fields where acceptance of scientific progress has been so effectively blocked.

Recognizing this problem in the early 1990's P&G joined other companies and animal welfare organizations to support inclusion of language in the NIH Revitalization Act of 1993 which directed National Institute of Environmental Health Sciences to ''establish criteria for validation and regulatory acceptance of alternative testing and recommend a process through which scientifically validated methods can be accepted for regulatory use''. NIEHS worked with 15 government agencies and with the public to develop what we believe will be an effective solution—to create a single review body for the entire federal government. This organization, ICCVAM, is comprised of representatives from the various federal agencies that use animal testing. It will encourage the development of improved testing methods, particularly alternative tests, and evaluate these new methods for the entire government. This simplified process will be much more efficient. It will also be more effective because ICCVAM scientists will be expert in evaluating new test methods. We are very supportive of the proposal, and feel it is important to make ICCVAM a permanent part of the NIEHS.

We in industry applaud the efforts of Doris Day Animal League, the American Humane Association, the Humane Society of the United States, and the Massachusetts Society for the Prevention of Cruelty to Animals for working with us to help establish ICCVAM as the organization that will help ensure we are using the most efficient and effective safety tests and reduce animal use as far as scientifically possible

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COMMENTS BY NEIL L. WILCOX, D.V.M., M.P.H., SENIOR SCIENCE POLICY OFFICER, OFFICE OF SCIENCE, FOOD AND DRUG ADMINISTRATION FOR THE CONGRESSIONAL BRIEFING ON THE ''INTER-AGENCY COORDINATING COMMITTEE FOR THE VALIDATION OF ALTERNATIVE METHODS (ICCVAM) AUTHORIZATION ACT OF 1998''

Congressman Lantos and distinguished guests, thank you for the opportunity to participate in this briefing. I am here to describe the current and potential relationship between the Food and Drug Administration and the Inter-Agency Coordinating Committee for the Validation of Alternative Methods, or ICCVAM, listen to your comments, and attempt to answer your questions.

For the record, I may not take a position in favor of, or in opposition to, this or any other proposed bill intended for Congress. I am here to inform this audience as to how FDA has participated on the inter-agency committee known as ICCVAM and what affect it may have on the FDA in the future.

The FDA has a sincere and dedicated interest in emerging scientific technologies, including alternative methods intended to reduce, refine, or replace the use of animals, and that provide the agency with the best scientific answers to accomplish our public health mission. In particular, we are interested in test methods that provide specific answers for safety and efficacy testing of FDA-regulated products. To this end, the FDA supports the notion of the 3–R's in research and testing where scientifically feasible.

The FDA has been a participant of the ICCVAM ad hoc committee since it was chartered in 1994 and continues to be actively involved now that it is a standing committee. The Office of Science has the lead for the agency and has formed a committee with representatives from all FDA Centers and the Office of Regulatory Affairs.

You should understand that there is currently no formal process for a new testing method to be reviewed by the FDA for validation or regulatory acceptance. New methods are incorporated into the review of product applications in FDA, but it is on a case-by-case basis with no internal structure in place to facilitate such action. The ICCVAM model proposes to review new testing methods on behalf of federal agencies, which would provide a service not currently available.

ICCVAM, with its representatives from 15 federal agencies, provides many benefits. This forum benefits not only the agencies involved but also those who wish to introduce a novel test method to a regulatory agency such as FDA. ICCVAM will only review methods that have application to more than one agency. If the method is such that it will be used only by one agency, the sponsor of the method will be encouraged to take the method straight to that agency. For a method with potential use in several federal agencies, an early step in the ICCVAM process will be to establish an expert working group consisting of individuals from each of the agencies where the method may have application. This expert working group will then work with the sponsor of the method to make sure that adequate data are available to have the method thoroughly evaluated.

Any method used by the FDA must be validated for its intended use. Once the ICCVAM working group has determined that the method is ready to be reviewed for validation, a group of experts from outside the government would be convened as a Federal Advisory Committee. Through this external peer review process, the committee would make a recommendation to ICCVAM as to whether or not the proposed method meets the criteria for validation as put forth in an ICCVAM document, Validation and *Regulatory Acceptance of Toxicological Test Methods*, published in March 1997. The expert peer review panel's recommendation would then be conveyed to the relevant federal agencies by ICCVAM. Finally, each agency would distribute the recommendation to its appropriate organizational components.

FDA has five product Centers, on research Center, and the Office of Regulatory Affairs to which the ICCVAM recommendation would be distributed. It is clear that considering the many offices within the FDA to which such information must be distributed, the ICCVAM proposal would stream-line the

process. Without ICCVAM, no one would know exactly which office should review a particular test. Moreover, even if one did know the appropriate offices to which a new method should be introduced, there would be no consistent review criteria for validation or regulatory acceptance across the agency. The individual review offices are simply not equipped or staffed to work with a method's sponsor for a process as resource intensive as validation.

Through an exhaustive and comprehensive three year process, ICCVAM has worked with U.S. federal agencies, as well as academia, industry and governments world-wide, to reach consensus on criteria for validation and regulatory acceptance. Due to the vast differences in regulatory requirements between U.S. regulatory agencies, not to mention other governments, the final acceptance and use of an ICCVAM-reviewed method remains the prerogative of each regulatory agency. However, ICCVAM assures that, to the extent feasible, adequate data for the proposed method have been reviewed by external peer review for their validity. ICCVAM provides a vehicle for a new method to be introduced to each agency through scientists responsible for its internal use.

With such intimate involvement of agency experts from within the appropriate scientific field, the method and its potential uses will be well understood by participating agencies. Furthermore, by the time a method has reached recommendation status to the agencies, it will more likely gain regulatory acceptance. Since the ICCVAM process has been endorsed by experts across the U.S. and throughout the world, international harmonization on ICCVAM-reviewed methods will be encouraged. Finally, the incorporation of methods that promote the reduction, refinement, and replacement of whole-animal tests into regulatory decision-making clearly supports the responsible use of animals in product testing.

In summary, from an FDA perspective, the ICCVAM facilitates the scientific review by experts, in both the public and private sectors, to establish the scientific validation of new testing methods that may have application in determining the safety of FDA-regulated products. It should be emphasized, however, that there may be occasions when a sponsor of a particular method would prefer submitting its data on a new method directly to the FDA, or any other agency, and this remains an important option. The ability to employ new technology in the regulatory decision-making process and facilitate the acceptance of new methods for safety testing is clearly enhanced with the added dimension of the ICCVAM process.

I would welcome questions relating to the current activities between ICCVAM and FDA, as well as our vision of this relationship in the future. Again, thank you for the opportunity to discuss this important issue in a public forum.

STATEMENT OF HOLLY E. HAZARD, EXECUTIVE DIRECTOR, DORIS DAY ANIMAL LEAGUE

We are proud to join with industry and animal protection organizations in support of the ''ICCVAM Authorization Act of 1998.''

The bill, sponsored by Representative Tom Lantos, will raise to standing status, an interagency coordinating committee that will review alternative methods for risk assessment and safety substantiation for humans and the environment. ICCVAM will make recommendations to agencies to adopt procedures for implementing these recommendations. The committee will be comprised of representatives from each of the agencies with jurisdiction over products that require or recommend some form of animal testing. There are over 15 such agencies in the federal government. The committee will also establish a scientific advisory committee that will allow interested outside scientists and other stakeholders to comment on newly-developed alternatives as they become available.

This committee will facilitate the acceptance of the use of alternatives that will significantly decrease the numbers of animals used in toxicity testing, while not only ensuring that the health and safety of Americans and the environment remain at the highest level, but hopefully increasing that level of safety as more technologically-advanced methods of research more closely mimic what may happen in the human body.

The bill is an outgrowth of the former Consumer Products Safe Testing Act. It builds on the mandate given to the National Institute of Environmental health Sciences in the NIH Revitalization Act of 1993 to develop criteria for the validation and acceptance of alternative methods. It also consolidates the requirements for an evaluation of alternatives that have interagency implication to one central committee, rather than agency by agency.

We've received many staff calls on how this bill affects medical research. The bill has a specific exemption for research. However, because the government does not regulate industry protocols for medical research, the entire issue is outside the scope of the legislation.

The Doris Day Animal League is working with a number of leaders in industry, and within the animal protection movement, to bring about changes in the uses of animals for toxicity testing. These individuals include: Dr. Martin Stephens and Dr. Andrew Rowan of the Humane Society of the United States; Dr. Dan Bagley of Colgate-Palmolive; Dr. Wallace Hayes and Dr. Louis DiPasquale of Gillette; Dr. Kathy Stitizel of Procter & Gamble; Ms. Adele Douglass of the American Humane Association; and Dr. Peter Theran and Elaine Birkholz of the Massachusetts Society for the Prevention of Cruelty to Animals.

One of the significant frustrations of the humane community has been the lack of acceptance by the federal government of technologically-advanced alternatives to animal testing. Many in industry have met with a brick wall when they have attempted to move alternative methods of testing through the government bureaucracy to get their products on the market. The fact is that the easiest thing for any company is to simply maintain the *status quo* and do the animal tests to get on with marketing their products.

The Doris Day Animal League, along with a number of other organizations, successfully lobbied the Department of Transportation for the acceptance of the first federally-approved alternative to animal testing. This was an alternative to the use of rabbits for the testing of highly corrosive chemicals to determine the correct packaging material for transportation. In the animal test, the product would literally eat away the skin of a rabbit while researchers tested how long this took; it could take anywhere from hours to days. While this alternative was accepted at one agency, the company had to petition others for multiple agency acceptance and, as of yet, has been unsuccessful in securing full federal approval for the continued acceptance by the government of this alternative.

This bill is desperately needed to push this issue forward significantly in this country, and because of this country's stature in this area, throughout the world. We believe that many companies are standing ready to invest the resources that they need to develop alternatives. And now regulators have taken the first step. Many in the federal bureaucracy are extremely comfortable with old methodologies that have established protocols and a history of success from a regulatory perspective. Congress needs to push these agencies to look ahead, not behind, in terms of the most efficient, effective and humane scientific judgment that should be expected from the agencies called upon to protect the consumers of this country.

I urge your strong support of the ICCVAM Authorization Act and invite questions for the League or for our industry supporters.

THE SECURITY SITUATION IN MEXICO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. GILMAN. Mr. Speaker, the Washington Times front page story yesterday about the threats to American law enforcement agents involved in fighting drugs along and across the border with Mexico should be a cause for alarm for all of us.

It strains credibility that the Administration again this past March ''fully certified'' Mexico as cooperating with us in the battle against illicit drugs. The recent stories on the deteriorating security situation along the border from drug related violence and threats against our law enforcement agents make it clear—the Mexican authorities are just not doing enough.

I have long argued that the safety and security of our law enforcement agents who every day risk their lives for us and our communities, should be of paramount concern in our bilateral relationship in the fight against drugs. These latest accounts of threats and inadequate resolution of the issue of the security of our law enforcement agents underscores that we have a long way to go.

[From the Washington Times, Thurs., June 4, 1998]

U.S. AGENTS WARNED OF MEXICAN RETALIATION

By Jamie Dettmer

The U.S. Drug Enforcement Administration has pulled its agents out of Tijuana, and the Justice Department is warning American lawmen on both sides of the 2,000-mile-long Mexican border to protect themselves more than ever.

The new threat they face isn't violence from narcotics traffickers, but hostility from their law enforcement counterparts in the Mexican federal judicial police.

Working relations between American and Mexican lawmen seldom have been smooth—distrust on both sides all too often undermines cooperation in the fight against drug smuggling and illegal immigration.

But as a result of a recent U.S. undercover money-laundering sting that nabbed several Mexican bankers, the bad blood has roiled to a pitch not seen since the murder 13 years ago of a DEA agent in Mexico, U.S. law-enforcement sources say.

According to a report by Insight magazine, a sister publication of The Washington Times, an urgent warning was sent Tuesday to all U.S. law-enforcement agencies with officers working along the border or in Mexico to stay alert ''retaliation'' from the Mexican police as a consequence of the sting, known as Operation Casablanca.

High-level DEA sources say they can't rule out physical assaults on U.S. lawmen operating in Mexico or visiting on official business.

The Mexican police are aggrieved by U.S. investigators luring Mexican bankers to America for arrest and are infuriated that American lawmen worked undercover on Mexican territory without the Mexican government's approval. U.S. authorities say they didn't want to tip off the subjects of their probe.

As a precaution, the DEA has withdrawn all agents from a joint U.S.-Mexico task force in Tijuana, the home city of the Arellano Felix brothers, who control Mexico's second-largest drug cartel. The retreat will disrupt investigations and jeopardize special operations against the traffickers, say DEA and U.S. Customs sources.

''We are basically facing a breakdown on the border,'' says a senior California-based DEA agent. ''We have right now some big operations going on against the Arellano Felixes—last week we intercepted $4 million of their cash—and against a Tijuana family who control amphetamine smuggling. Those ops are endangered now.''

The alert was issued when the El Paso Intelligence Center, the federal law-enforcement intelligence clearing house, noticed an abrupt rise in reports from various federal agents of hostility from their Mexican counterparts. The federal Bureau of Alcohol, Tobacco and Firearms (ATF) later verified the danger.

The official warning sent by the Justice Department to the U.S. Immigration and Naturalization Service cautions, ''The Mexican Federal Judicial Police may seek retaliation against U.S. law-enforcement'' because of Casablanca.

The warning goes on to say, ''Reliable information received by the Los Angeles [ATF office] also indicates that Mexican law enforcement intends to seek revenge . . . by ensuring that any American law enforcement officer caught committing any sort of infraction will be given 'No Slack,' and they will be prosecuted to the fullest extent possible under Mexican law.''

INS intelligence also suggests that bitterness over Operation Casablanca may not be limited to the Mexican police. ''Feelings of injustice may manifest itself into the Mexican military as well.''

An INS spokesman refused to confirm or deny the authenticity of the memo.

Frustrated U.S. lawmen point to the hostility of their Mexican counterparts as proof that DEA and Customs Service agents should be allowed to carry their sidearms when traveling south of the border on official business. Mexican authorities won't allow it, and the U.S. and Mexican governments have been locked in a fierce behind-the-scenes diplomatic dispute over the issue for more than a year.

The Mexicans have refused to budge. President Clinton's antidrug chief, Gen. Barry McCaffrey, recently sided with the Mexicans on the issue, infuriating Rep. Benjamin A. Gilman, New York Republican and chairman of the House International Relations Committee, by suggesting that U.S. lawmen should be satisfied with Mexican police protection.

In May, Mr. Gilman slammed Gen. McCaffrey, arguing that DEA agents couldn't entrust their lives to their Mexican counterparts because drug cartels are growing more violent and there is ''proven massive corruption among Mexican law enforcement agencies.''

A veteran DEA agent says he hasn't encountered such hostility from Mexican police since the fallout from the murder of DEA agent Enrique Camarena by narcotics traffickers in 1985. Some U.S. sources believe Mr. Camarena was killed with the collusion of corrupt Mexican officials and police officers.

Mexican law enforcement officials reacted very badly later when undercover DEA agents snatched a doctor in Mexico who had been involved in torturing Mr. Camarena before his murder.

HONORING KAVANAUGH'S FURNITURE FOR THEIR 125 YEARS OF BUSINESS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I am privileged today to have the opportunity to acknowledge and honor Kavanaugh Furniture of Springfield, Massachusetts for its 125th year of business.

In 1873, Mr. Dennis Nelen opened his establishment as a ''wholesaler and retailer in elegant furniture, hair and husk mattresses'' and before 1900 he partnered with Mr. William Kavanaugh. Today, Kavanaugh's is the largest furniture store in Western Massachusetts and has three sister stores with a fourth on the way. It is Springfield's oldest family owned business still in existence and one of the oldest operating furniture stores in the entire United States.

In an era where retailers often sacrifice quality service for quantity sold, Kavanaugh's has remained a testament to the beauty of the family business. In their establishment, quality service is a trait passed down through the generations. Mr. Jack Nelen, who became Kavanaugh's president in 1965 and is the grandson of the original founder, began making deliveries for the store when he was just a teenager. The success of a family business can be measured, in part, by the duration of its existence. Kavanaugh Furniture has survived and flourished through two world wars, the Great Depression, and several other fluctuations in the economy. They were also able to last during the recession of the early 90s even though furniture was considered a luxury by many. Perhaps more impressive has been Kavanaugh's ability to survive the local ''big chain'' competition, while located in an area not supported by mega-mall traffic. In this regard, the Nelen family business can be considered a huge success and a strong example for other family businesses.

Only 1 out of 30,000 retail stores makes it to be 100 years old, and Kavanaugh's has now reached its 125th year in the business. Not only has Kavanaugh's created lasting personal success for its owners and employees, it has been an enormous asset to the community and neighborhood as well. Its list of civil activities and commitments includes being a catalyst for and taking part in fund raisers for The Children's Miracle Network, Shriner's Hospital, the Red Cross, and the United Way. Kavanaugh's once even held a free picnic for over 2,500 city kids.

The Kavanaugh Furniture store is an anchor for the community. It has taken care of its customers and has been rewarded with 125 years of business. I wish the Nelen family and all of the folks at Kavanaugh's success in continuing a great tradition of excellent service to their customers and the community at large as they embark on the 21st century and another 125 years.

INTRODUCTION OF H.J. RES. 120: DISAPPROVING THE EXTENSION OF THE PRESIDENT'S WAIVER OF JACKSON-VANIK CRITERIA FOR VIETNAM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. ROHRABACHER. Mr. Speaker, I have introduced a Joint Resolution, co-sponsored by my good friends, BEN GILMAN, Chairman of the International Relations Committee and CHRIS SMITH, Chairman of the Subcommittee on Human Rights, in partnership with Senator BOB SMITH and Senator JESSE HELMS, to require Vietnam to provide freedom of emigration for its people, under the provisions of the U.S. Trade Act of 1974, before tax dollars from American citizens are used to insure or otherwise further trade with the communist regime in Vietnam.

Vietnam remains among the world's last Marxist-Leninist governments, where corrupt cronyism and an absence of credible courts have driven away foreign investors. The freedoms of speech, religion and assembly are denied to average citizens, as well as the freedom of emigration. As a result, Vietnam's economy is lagging, investor disenchantment is growing and, despite continued arrest and persecution of dissidents and religious leaders, protest movements have taken root in northern and southern provinces. It is both unconscionable and unsound for President Clinton to issue waivers in order to permit U.S. financing guarantees and credits to investors through the Overseas Private Investment Corporation and Export-Import Bank.

In addition to H.J. Res. 120, I have also introduced H.R. 3158 to prevent the President from granting waivers for Ex-Im and OPIC credits and financing guarantees in the absence of true democratic reform, release of all political prisoners, humane working conditions, as well as the Jackson-Vanik emigration criteria.

A critical lesson we should learn from the economic collapse of the so-called ''Asian Tigers'' such as Indonesia, South Korea and Thailand is that the U.S. Government should not put tax dollars at risk to subsidize unsound private business deals with corrupt regimes. The Heritage Foundation's *1998 Index of Economic Freedom* ranks Vietnam among the six worst economic environments in the world. It would be appalling to make American taxpayers guarantee private business investments before real democratic political reform is in place. We should stand with the people of Vietnam who crave for freedom, and abide firmly by America's principles and laws to require the despotic regime in Hanoi to respect international standards of human rights and labor before giving the Vietnamese regime the benefit of our taxpayer-backed institutions.

IN HONOR OF THE NEW JERSEY NETWORK'S IMAGES/IMAGENES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to honor New Jersey Network's Images/

Imagenes for its 25th year of providing quality cultural and public affairs programming for the Hispanic community. This program has helped introduce America to the rich depth, diversity and beauty of the Latino culture through probing documentaries and thought-provoking round table discussions.

Over the years Images/Imagenes has shed light on the everyday lives of the Latino community and provided a forum for role models such as Roberto Clemente, Ricardo Montalban, Gloria Estefan, Chi Chi Rodriguez, Julio Iglesias, Nancy Lopez, Lee Trevino and Tony Ayala. The program has done some of its best work by exploring major news stories such as the AIDS epidemic, bilingual education, U.S. relations with Cuba, and the roots of domestic violence.

The show's quality and professionalism has not gone unrecognized by the television industry. Images/Imagenes has earned a Regional Emmy Award and nine Regional Emmy Award nominations. The program has also been recognized for excellence in broadcasting from the National Commission on Working Women and has received the National Unity Award.

In the late '80's, Images/Imagenes began airing the Hispanic Youth Showcase. This competition provides a forum for the tri-state area's Hispanic youth to demonstrate their skills in the performing arts. Over 1500 children have participated, with many going on to professional acting and musical careers. Every participant gains confidence because they have competed in such a popular and renowned event.

Images/Imagenes is now the longest running Latino community program in the PBS system. On Saturday, June 6, Images/Imagenes will be celebrating its Silver Anniversary at the Robert Treat Hotel in Newark, New Jersey.

I urge my colleagues to join me in honoring Images/Imagenes by working to strengthen our commitment to strong community programming. Images/Imagenes has shown us that television can be more than just entertainment, but can also provide a forum through which community building activities can take place. I congratulate Images/Imagenes on a successful 25 years and wish them another 25 years of success.

TRIBUTE TO DR. SAMUEL KRANTZOW

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the many accomplishments of Dr. Samuel Krantzow, who is being honored at the breakfast celebrating the occasion of the 70th Anniversary for Congregation Ahavas Israel.

Dr. Krantzow is a life long resident of Passaic, New Jersey and a graduate of their fine school system. After giving 3 years of service to the Army Air Force during World War II, he went to school and received his degree in optometry from the Pennsylvania State College of Optometry.

In 1951, after starting his practice in his hometown of Passaic, he married the former Estelle Wechsler. They have two lovely daughters, Caryl, who lives in Columbia, Maryland, and Debra who resides in Houston, Texas. Pamela and Rachel, their two granddaughters, are the light of Samuel and Estelle's eyes.

During his many years of optometrical practice, Dr. Krantzow served as President of the Bergen Passaic Optometric Society, as President of the N.J. Optometric Association, and as a member of the Board of Directors of the Omni Eye Services of Northern New Jersey. In addition to serving on the Governor's Advisory Committee where he was instrumental in setting up the vision portion of the Medicaid Program for the Garden State, Dr. Krantzow sat on the Board of Directors of the New Jersey Vision Service Plan. He also served for six years as a member of the Board of Directors of the Bergen Passaic Health Systems Agency. Apart from his distinguished medical associations, Dr. Krantzow is a past-chancellor of Passaic Lodge, Knights of Pythias.

Being active in the local Jewish community constitutes a large part of Dr. Krantzow's schedule. From 1989–1990, he served as President of the Ahavas Israel Congregation. Dr. Krantzow was called to serve again in June 1994 as co-President of his congregation, and from 1996 until 1997, he held the position on his own. Currently, Dr. Krantzow serves as co-chairman of the Chevra Kadisha of Congregation Ahavas Israel. Believing he should give something back to his community, he has been Staff Optometrist at the Daughters of Miriam Center for the Aged in Clifton and is a delegate to the Jewish Memorial Chapel.

Mr. Speaker, I ask that you join me, our colleagues, the Congregation of Ahavas Israel, Dr. Krantzow's family and friends, and the City of Passaic in recognizing and honoring the accomplishments of Dr. Samuel Krantzow.

TRIBUTE TO THE EXPLORAVISION AWARDS PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. BROWN of California. Mr. Speaker, I rise to announce the introduction of House Concurrent Resolution 279, a resolution to honor the ExploraVision Awards Program and to encourage more students to participate in this innovative national student science competition.

The ExploraVision Awards Program is funded by Toshiba and administered by the National Science Teachers Association. Nearly 18,000 students entered the competition this year, making it the largest K–12 student science competition in the world. Working in teams of 3 or 4 with a teacher-advisor, students use their imaginations to envision a form of technology 20 years from now and compete by sharing their vision through written descriptions and story boards.

As a strong advocate of science education in Congress, I am proud to have introduced House Concurrent Resolution 279 in support of the goals of the ExploraVision Awards Program. This is truly an innovative program that energizes students with a desire to learn and increases their interest in the world of science. The program is designed to help develop the kind of scientific and technological thinking our society needs for the 21st century.

On June 12, more than 40 students will come to our Nation's Capital to receive top honors in the 1998 ExploraVision Awards. I applaud the student winners for their hard work, creativity, and ability to work together as a team to explore innovative scientific work for the future. With their enthusiasm for learning and their commitment to scientific excellence, the future of our Nation is in good hands.

Mr. Speaker, I ask my colleagues to join me in cosponsoring House Concurrent Resolution 279 to support the goals of the ExploraVision Awards Program, and to commend the student winners for their outstanding accomplishment.

REPORT FROM INDIANA—TERRI TOWNER

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report from Indiana.

There are so many good people doing great things to make our community a better place to live. Every so often, I run across a story that I feel stands out. These shining individuals are what I like to call Hoosier Heroes. These Heroes are an inspiration to me, and by sharing their stories I hope they can not only be an inspiration to my colleagues today, but as well as the American people.

Mr. Speaker, Terri Towner of Pendleton, Indiana, is a Hoosier Hero. Her dedication to the Senior Citizens of Madison County provides us with a role model that we all can strive to model. Terri is a volunteer for Pet-A-Pal, a volunteer organization that incorporates animals to bring smiles to the faces of Senior Citizens by parading animals in costumes.

Jo Rehm, coordinator of the Pet-A-Pal program, described Terri as ''a dedicated and faithful volunteer to the Senior Citizens.'' She continued by adding that Terri ''simply enjoys helping others.''

Sharron Towner, her mother, feels that her dedication to helping Senior Citizens stems from her strong relationship with her grandparents, and that's why Terri really appreciates what Senior Citizens have to offer.

When not volunteering her time, Terri enjoys playing the trumpet in the East Side Church of God band and is an active member in Sunday school. Youth Pastor Andy Odle described Terri as, ''a very responsible, talented, intelligent young lady.''

After high school, Terri plans on attending Purdue University to study pre-law. She hopes to be able to utilize her education to become involved in laws pertaining to Senior Citizens.

This is testimony from people that have seen the difference that one person can make. This is just one example, of one person who has made a significant difference on the lives of others. Dedication, faithfulness, responsibility; these are examples of the values and beliefs that sometimes go unnoticed.

Mr. Speaker, this is the foundation for the American spirit. Doing the right thing. Helping others and demonstrating the qualities that make us ''good'' people. These are the qualities that Terri Towner has learned, and this is why she is a Hoosier Hero, Mr. Speaker that is my report from Indiana.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. ENGEL. Mr. Speaker, I was necessarily absent during roll call votes 203, 204, and 205. If present, I would have voted 'yes' on roll call vote 203, 'yes' on roll call vote 204, and 'no' on roll call vote 205.

IMPACT OF MINIMUM WAGE INCREASE

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. DICKEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the wise remarks of Mr. Leo Collins in the following article which appeared in the Pine Bluff Commercial. As a former small business owner myself, I understand and believe the comments made by Mr. Collins. Another increase in the minimum wage will have a negative impact on jobs, especially jobs for teenagers. Increases in the minimum wage lead employers to cut back on work hours and training. Unfortunately, low-skilled teenage workers will be the first to be affected. Combining the cutback of hours and training with the loss of job opportunities, this means that many youths are prevented from reaching the first rung on the ladder of success.

[From the Pine Bluff Commercial]

TO OVERCOME MEANS ACCEPTING REALITY

(By Leo Collins)

I became acquainted with a young Nigerian male some years ago who was fortunate to be one of a few chosen by his government to be given the opportunity to study and attend school in America.

He thought himself special and could not understand why so many Americans, particularly young blacks, did not pursue an education in an aggressive way since education was so accessible.

This young man was my roommate one summer while I was in graduate school. He asked me one day, ''Why is it that blacks in America who will not take full advantage of an education, continue to blame other racial groups for their own personal failures?'' I had no concrete answer.

He said, since he had been in America, it seems that every other race of people tend to overcome poverty except blacks. Other groups, he said, tend to take full and complete advantage of public schools, educational grants and low interest college student loans.

Every other group, other than American blacks—he implied—tend to develop a bond between themselves not too much unlike a mother and a new born child. He added that American blacks either do not like each other or they do not trust each other.

I had to tell him at that point that even though he is a Nigerian, his ancestors have never been enslaved. I told him that all of the other racial groups he sees came to America on their own accord. They didn't come, I told him, in the belly of slave ships and once here, sold on an auction block as chattel to the highest bidder.

I did not want him to go back to his native Nigeria with his knowledge bucket half full and half empty. I insisted that he fully understand that the black experience was unique only to blacks in America. He needs to fully understand that there is nothing in the annals of world history to compare that experience with; therefore, he shouldn't try to make a simple analogy when he returns to his native homeland.

Even today, blacks have not gotten completely away from the yoke of suppression. Too many are still seeking a solution to their economic, social and political woes outside of their own ranks. Many seemingly seek ways to generate failure. They do so by dropping out of school, defying authoritative symbols, joining street gangs, resisting parental guidance, etc.

Blacks tend to keep the memory of slavery alive by doing to themselves exactly what the old slave masters of a bygone era did to them; that being, denying themselves the opportunity to develop the most important human organ: their minds.

Today, there is a great demand for all kinds of workers. Employers cannot find enough workers. But do you know who still cannot find work? I'll tell you; 9.6 percent of current unemployed Americans are black. Out of nearly 6 million unemployed, 600,000 are black. Is this because of racism? Some of it may be, but the bulk of it isn't.

Blacks are not getting the technical training needed in today's job market. Dropping out of school in the ninth grade doesn't prepare you for much other than membership in a street gang and a short life span.

Blacks must learn to bond with each other and stay in school. Being dumb is not being cool; it's being stupid. Minimum wage, as benevolent as it is, is only another crutch aimed at pacifying black Americans that there is no need to rush to help yourself. Uncle Sugar will guarantee you a marginal lifestyle.

Blacks should develop their skills. Minimum wage laws do nothing but pacify the conscience of whites who support it and sedate the minds of blacks who accept it. Minimum wage is not a panacea for high school dropouts.

H.R. 2652 ''COLLECTIONS OF INFORMATION ANTIPIRACY ACT''

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. HYDE. Mr. Speaker, I would like to place in the RECORD the correspondence between Chairman BLILEY and myself on this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 3, 1998.

Hon. TOM BLILEY,
Chairman,
Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 19, 1998, expressing your interest in H.R. 2652, the ''Collections of Information Antipiracy Act.''

As you know, H.R. 2652 was introduced on October 9, 1997. Its predecessor in the 104th Congress, H.R. 3531, authorized by then-Chairman of the Subcommittee on Courts and Intellectual Property, Carlos Moorhead, was introduced on May 23, 1996. H.R. 3531 was introduced in anticipation of a Diplomatic Conference on Intellectual Property in Databases held by the World Intellectual Property Organization in Geneva, Switzerland in December, 1996, and on a Directive issued by the European Union under which member countries must enact laws to protect collections of information and pursuant to which American collections would not receive reciprocal protection without offering comparable protection to foreign collections in the U.S. Both bills were referred to the Committee on the Judiciary.

H.R. 2652 was the subject of two days of hearings held by the Subcommittee on Courts and Intellectual Property on October 23, 1997 and on February 12, 1998. The Subcommittee held a markup on H.R. 2652 on March 18, 1998. The full Committee held a markup on the bill on March 24, 1998. The bill was reported to the House on May 12, 1998 (H. Rept. 105–525) and placed on the Union Calendar (Calendar No. 297) on that same date. I first learned of your interest in this important legislation on May 12, the date it was reported and placed on the Union Calendar, as the manager of the bill was preparing to call it up for consideration under suspension of the Rules on the House floor. After you expressed initial concerns, I agreed to recommend a one week delay in the consideration of the bill so that you might review it. It passed the House under suspension of the Rules on May 19, and was received in the Senate on May 20, 1998. It has been referred to the Senate Committee on the Judiciary for consideration by the other body.

There are several statements and assertions contained in your letter to me in need of clarification. The ''Collections of Information Antipiracy Act'' is legislation necessary to serve as a complement to copyright protection of collections in which there has been substantial investment. It does not, as your letter indicates, create a new federal property right; rather, like the Lanham Act for trademark protection, it prohibits misappropriation of another's collection under certain circumstances. The general prohibition and other specific provisions guarantee that a use of a collection similar to a ''fair use'' under copyright law is permitted.

The bill was developed in the aftermath of the Supreme Court's 1991 decision in *Feist Publications v. Rural Telephone Service Co.*, which, in denying copyright protection for certain collections, highlighted the need for Congress to establish a separate complementary federal remedy for the unauthorized copying of collections of information in order to guarantee complete protection. The bill is based on United States ''sweat of the brow'' case law predating the application by courts of copyright protection to collections of information, and was suggested as one viable way of ''filling in'' the ''*Feist* gap'' in a Report issued by the Copyright Office of the United States on Database Protection in September, 1997.

While, like almost every piece of legislation, H.R. 2652 affects commerce generally, it does not discriminate between environments in which collections may appear, such as print or digital, nor does it ''govern a key component of interstate and foreign electronic commerce,'' as you assert. Rather, it establishes a legal right to bring a cause of action in federal district court for the unauthorized taking of another's collection of information organized, gathered, or maintained through the investment of substantial monetary or other resources. The bill specifically denies protection to any product or service incorporating a collection of information which is gathered, maintained or organized to address, route, forward, transmit, or store digital online communications or provide or receive access to connections for digital online communications. Thus, the bill provides a new legal cause of action in federal courts, rather than regulating any element or function relating to digital communications or electronic commerce.

Your letter states that the Committee on Commerce has two specific interests in H.R. 2652. It states that ''[f]irst, proposed section 1204(a)(2) would . . . [a]s our staffs have discussed, . . . result in effective changes to existing laws and regulations administrated by the Securities and Exchange Commission, which would undermine the ability of the Commission to regulate and oversee the collection and dissemination of information about the securities markets, including information about stock quotations and transactions, and could create questions as to the public nature of that market data.'' I must take exception to this statement. You will recall that my staff communicated to your staff the opposite assertion. The language to which you refer the opposite effect of that which you claim. Paragraph 1204(a)(2) was drafted to avoid the interference you suggest.

As you know, the dissemination of stock and commodities information based on the public interest in such information is regulated by the Securities Exchange Act and the Commodity Exchange Act, and regulated by the Securities and Exchange Commission and the Commodity Futures Trading Commission. Currently, by regulation, exchanges are allowed to be compensated for certain market information for a short time after its creation. While the regulatory bodies to which exchanges are subject are governmental entities, the exchanges themselves are not. Subsection 1204(a) provides that government information is not protected under the bill in order to preserve free access by taxpayers to collections of information funded by them. In order to avoid any confusion, and to avoid interfering with the ability of exchanges to be compensated according to applicable regulations, paragraph 1204(a)(2) states that an exchange is not to be considered a governmental entity under 1204(a). In other words, to prevent any misconception that exchanges are governmental entities and therefore must give out information for free under the bill, which would undermine current regulations, and to avoid interference with the jurisdiction of the Committee on Commerce, the clarifying language contained in 1204(a)2) was inserted. The provision you cite therefore averts, and does not create, jurisdiction in the Committee on Commerce.

Your letter states as your second specific interest in H.R. 2652, that ''notwithstanding the savings clause in proposed section 1205(f) for provisions of the Communications Act of 1934, the bill may have the unintended effect of restricting the Federal Communications Commission's (FCC's) ability to administer telecommunications laws that require carriers make available to the FCC and other carriers certain information,'' and that 'if interpreted narrowly, the savings clause will not preclude carriers from limiting access to, or dissemination of, certain information that is critical to promoting competition in telecommunications markets.'' Again, I must take exception to this statement. The savings clause to which you refer states that nothing in the bill shall affect ''the operation of the provisions of the Communications Act of 1934.'' This language has been drafted in the broadest possible terms so as to prevent any narrow reading. Further, just in case any court could possibly interpret any situation regarding the dissemination of subscriber information as somehow not falling under the scope of the ''operation of the provisions of the Communications Act,'' an additional clause was added to provide excessive and abundant assurance that the circumstance you foresee could not occur.

Despite the careful drafting done by the Committee on the Judiciary to assure no repercussions on important issues and governmental bodies falling under the jurisdiction of the Committee on Commerce, I agreed to recommend a delay in floor consideration of H.R. 2652 for one week, so that you and your staff might be able to review the provisions of this important bill. Based upon your review, Chairman Coble was equally pleased to include in a manager's amendment additional clarifying language suggested by you to reaffirm and reassure that the provisions contained in H.R. 2652 do not affect any matter or entity within the jurisdiction of the Committee on Commerce.

Per your suggestion, I will include your letter of May 19, along with this letter, in the record. Thank you for expressing your views, and for your cooperation.

Sincerely,

HENERY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 19, 1998.

Hon. HENRY J. HYDE,
Chairman,
Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On May 12, 1998, the Committee on the Judiciary reported H.R. 2652, the Collection of Information Antipiracy Act. As you know, H.R. 2652 would establish a prohibition, with certain exceptions and exclusions, against the misappropriation of information gathered, organized or maintained by another person in a collection through the investment of substantial monetary or other resources.

The Committee on Commerce has a strong interest in legislation affecting the accessibility of information on the Internet, and other telecommunications and information networks that rely on electronic databases for the storage of information. The Committee is in the midst of a Committee-wide review of electronic commerce issues within its jurisdiction. Our review demonstrates that the Internet and other digital networks carry great potential for facilitating interstate and global commerce, and that the potential for global electronic commerce, among other things, presupposes that users and providers will have ready and affordable access to collections of information. By providing collections of information a new federal property right, H.R. 2652 would govern a key component of interstate and foreign electronic commerce.

In addition, the Committee on Commerce has two specific interests in H.R. 2652, as reported by the Committee on the Judiciary. First, proposed section 1204(a)(2) would except from the exclusion provided for government-owned collections any information required to be collected and disseminated by either a national securities exchange under the Securities Exchange Act of 1934 or a contract market under the Commodity Exchange Act. As our staffs have discussed, this exception would result in effective changes to existing laws and regulations administered by the Securities and Exchange Commission, which would undermine the ability of the Commission to regulate and oversee the collection and dissemination of information about the securities markets, including information about stock quotations and transactions, and could create questions as to the public nature of that market data.

Second, we have expressed a concern that, notwithstanding the savings clause in proposed section 1205(f) for provisions of the Communications Act of 1934, the bill may have the unintended effect of restricting the Federal Commission's (FCC's) ability to administer telecommunications laws that require carriers make available to the FCC and other carriers certain information. The Committee on Commerce is concerned that, if interpreted narrowly, the savings clause will not preclude carriers from limiting access to, or dissemination of, certain information that is critical to promoting competition in telecommunications markets. The Telecommunications Act of 1996 is intended to promote competition in all telecommunications markets, and the Committee on Commerce seeks to ensure that H.R. 2652, if enacted, does not supersede our national commitment to competition.

I understand your interest in moving this legislation expeditiously to the House Floor. In exchange for your agreement to include language in the bill to address the problems described above, I agree not to seek a sequential referral of the bill. By agreeing not to seek a sequential referral, the Committee on Commerce does not waive its jurisdictional interest in any matter within the scope of the bill. Furthermore, I reserve the right to seek appropriate representation on any House-Senate conference that may be convened on this legislation.

I want to thank you and your staff for your assistance in providing the Committee on Commerce with an opportunity to review it jurisdictional interests in H.R. 2652. I would appreciate your acknowledgement of our agreement and your including this letter in the record of the debate on H.R. 2652 on the House Floor.

Thank you again for your consideration.

Sincerely,

TOM BLILEY,
Chairman.

SMALL BUSINESS WEEK

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. BOYD. Mr. Speaker, in honor of Small Business Week, I would like to commend a hard working group of dedicated men and women who own and operate the nearly 23 million small businesses in the United States. America's small busineses are the heart and soul of our Nation's marketplace and the lifeblood of our communities.

Small business owners constitute almost 98 percent of all employers and are the key to our economy's continued prosperity. Through their innovation and hard work, the United States has remained competitive in the world marketplace for the last 200 years. At the same time, the charity and civic leadership of America's small business owners have made our neighborhoods a better place to live.

During Small Business Week, and throughout the year, Congress should take time to consider the contributions of small business owners to our society. As Members of Congress, we must ensure that our nation's small business owners and their employees are not choked by unnecessary government regulation, but rather free to grow and provide new jobs and opportunities for our communities.

REGARDING CONCURRENT RESOLUTION ON SCHOOL VIOLENCE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. FORD. Mr. Speaker, today, I will introduce a sense of the Congress resolution in the House calling on the President to use the imposing power of his office to make the issue of school violence a top priority in the United States.

In the last year alone, at least a dozen students and teachers have been killed, and many more wounded, by young people who have come to school with guns rather than books. And until recently, few if any Americans, ever could have imagined or expected that such shootings would become common place. The incidents in the last year demonstrate that school violence is not an isolated problem—confined only to poor schools or forgotten neighborhoods. In fact these communities have struggled with this problem for years. It is a problem that is plaguing urban, rural and suburban communities alike. It is an American problem.

Nor is this a manufactured crisis as some have claimed. According to the National School Safety Center, the number of persons who have died in school violence incidents has increased 30% over last year. As a public policy maker, I wish that new laws and regulations alone could bring an end to these tragedies. Rather the solution, like the problem runs much deeper.

My resolution simply calls upon the President to use his bully pulpit to bring together those who can make a difference on this issue. First, it urges the President to initiate a series of town meetings with school superintendents, principals, students and parents to explore solutions to the problem. Second, I am asking the President to call upon States and local communities to improve communication between law enforcement officials and students, parents, and teachers by establishing violence prevention hotlines to inform law enforcement officials when threats of violence are made at schools.

A phone call from one student who heard Kip Kinkel's threats may have saved lives. The same is true for every other fatal shooting that has occurred over the past year. If a school violence hotline saves one life, then these hotlines will be worth the time, effort and expense. Currently the resolution has 6 original cosponsors. I am also pleased that the International Brotherhood of Police Officers, the largest union in the AFL–CIO has endorsed this resolution and I look forward to working with other national school advocacy organizations on this issue.

The President has eloquently expressed his sympathy and concern over the recent shootings in Springfield, Oregon, and I believe his leadership on this issue would serve to galvanize communities to establish this and other effective violence prevention programs in our nation's schools.

TRIBUTE TO BENNETT HERMAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in honoring a very special person who has given over 65 years of dedicated service to his community, Mr. Bennett Herman. Mr. Herman has channeled his many talents and boundless energy into improving the quality of life for his fellow citizens in the city of Orange, New Jersey. This weekend, the Orange Rotary Club is recognizing his remarkable achievements at a special dinner in his honor.

Bennett Herman truly stands out as a leader who was always there for those around him, eager to take up new challenges to enhance the well-being of the community. He is a member and officer of the Orange Rotary Club; a founder, the first Executive Secretary and President of the Orange Chamber of Commerce; a member of the Economic Development Corps of the City of Orange, the first president of the Oranges and Maplewood Meals on Wheels Program; an organizer of the first Child Care Center in Orange; a member of the Board of the Orange Public Library; former vice president of the Orange Evening Community School; past president Social Welfare Council of the Oranges and Maplewood; recipient of the Community Service Award from the Neighborhood Development Corp.; Outstanding Citizen award from the American Legion; VFW Award; Marine Corps League Award and numerous other community and state honors. He also brought the first, and only, State American Legion Convention to Orange. In addition, he took the lead in honoring the teachers of the Orange community in a highly successful tribute.

Mr. Speaker, I know my colleagues join me in extending warmest congratulations and appreciation to Mr. Bennett Herman for his tireless work and his outstanding contributions to his community. We are very proud of him and we wish him all the best in the years ahead.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. LEWIS. Mr. Speaker, had I been present for rollcall vote 200, I would have voted no.

FINANCIAL SERVICES COMPETITION ACT OF 1997

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes:

Mr. BLILEY. Mr. Chairman, my colleague, Mr. DINGELL, and I strongly support H.R. 10, The Financial Services Act of 1998, which will create new opportunities for all financial services providers, make our nation's financial services businesses more competitive both domestically and internationally, and benefit consumers by providing for fair competition, investor protection, and the protection of American taxpayers. Several important aspects of this historic legislation merit further emphasis, which we provide below.

A. H.R. 10 PROTECTS AMERICAN TAXPAYERS AND PROVIDES FOR FAIR COMPETITION

H.R. 10 permits bank operating subsidiaries to engage in all financial agency activities. The bill protects American taxpayers and ensures that all financial services providers will be able to fairly compete with one another. The legislation specifically repudiates any interpretation of the Comptroller of the Currency of the National Bank Act as authorizing bank operating subsidiaries to engage in principal activities that a bank could not conduct directly, such as insurance or securities underwriting.

Banks, unlike other forms of business organizations, benefit from access to the federal safety net—which refers to FDIC deposit insurance and access to the Federal Reserve's discount window and payment system. Because of their access to the federal safety net, banks can raise funds at a lower cost than other nonbank entities. Allowing banks to establish and fund operating subsidiaries engaged in activities prohibited for the bank (including speculative securities activities), as the amendments offered by Messrs. LAFALCE and VENTO and Mr. BAKER would have done, to different degrees, would directly extend the subsidy inherent in the federal safety net to cover a variety of activities that Congress has decided should not be protected by governmental guarantees. It would do so by permitting national banks to establish operating subsidiaries with equity capital raised at subsidized rates through the bank's access to the federal safety net. Because each of those amendments was defeated, the LaFalce/Vento amendment by a vote of 115 to 306 and the Baker amendment by a vote of 140 to 281, the bill ensures that banks will not be able to use the subsidy provided by the federal safety net to fund a wide range of activities that a bank cannot engage in directly.

The Treasury Department's contention that H.R. 10 would ''harm consumers'' by limiting the benefits of improved services and lower costs is incorrect. H.R. 10 will dramatically help consumers by achieving these benefits through the full affiliation of banks, insurance companies, securities firms and other financial service providers through a holding company. There is no greater benefit to be achieved from allowing these new activities to be conducted through an operating subsidiary of a bank unless Congress desires to permit the operating subsidiary to fund these activities with subsidized funds raised through the parent bank's access to the federal safety net—and in that case, the benefit would be to the bank, not financial services consumers, and certainly not American taxpayers. Such subsidization would undermine the benefits that consumers reap through vigorous industry competition by unfairly discriminating against securities, insurance and other financial service providers that do not have access to such subsidies,

and would pose financial risks to the federal safety net and American taxpayers.

Furthermore, the bill would not ''force innovation out of banks.'' The bill does not scale back any power that national banks currently have to conduct banking activities, or require any national bank to terminate any of its existing activities. National bank subsidiaries are currently not authorized to engage in any ineligible securities or insurance underwriting activities (other than limited credit life underwriting). The bill would simply limit the ability of the Comptroller to authorize a subsidiary of a national bank to engage in new activities as principal that Congress has determined are beyond the scope of activities permissible for the parent national bank. To put it plainly, the bill prevents national banks from doing indirectly what Congress has determined to be imprudent for banks to do directly. This limit is necessary and appropriate to protect banks, the federal safety net and the taxpayer, as well as to ensure fair competition among all financial service providers.

We note that proponents of expanding the powers of bank operating subsidiaries have argued that a national bank is equally exposed to its subsidiaries and to its affiliates because a national bank can issue dividends to its holding company and thereby indirectly fund a nonbank affiliate engaged in activities that are not permissible for the bank to engage in directly. The federal banking laws, however, limit the ability of a national bank to pay dividends where the payment would impair the bank's capital. This arrangement also ignores the requirements of GAPP, which mandates that the entire loss incurred by a subsidiary be reflected in the financial statements of the parent bank. There is no similar requirement applicable to its affiliates. Thus, a parent bank's financial statements must reflect all the losses experienced by a subsidiary, even when those losses far exceed the capital of the parent bank, while a bank's financial statements do not need to reflect losses incurred by an affiliate (beyond any limited amount that the bank may have lent to the affiliate in accordance with federal law). Because losses incurred by a holding company subsidiary do not directly impact the financial condition of an affiliated bank, the bank may face less pressure to support a subsidiary of a holding company than a subsidiary of the bank.

B. FEDERAL RESERVE BOARD REGULATION OF FINANCIAL HOLDING COMPANIES

Title I of the bill addresses the establishment of capital requirements for financial holding companies by the Federal Reserve Board. It is our intention that, in establishing capital adequacy guidelines or requirements, the Board take into account that certain holding companies predominantly engaged in nonbanking financial activities have been organized in non-corporate structures, and should treat as common equity such interests as limited company memberships and partnership interests where such interests are accepted in the marketplace as equity available to absorb losses.

In addition, Section 116 of the bill forbids the Board to take any action under or pursuant to the Bank Holding Company Act or Section 8 of the Federal Deposit Insurance Act against or with respect to a regulated subsidiary of a bank holding company except in two circumstances: where action is necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty that poses a material risk to the financial safety, soundness, or stability of an affiliated depository institution or the domestic or international payment system, or where the action is appropriate to enforce compliance with federal law that the Board has specific jurisdiction to enforce. Section 10A prohibits the Board from taking any action under the specified statutes where the purpose or effect of doing so would be to override a determination that an activity is financial in nature and thereby exclude regulated subsidiaries from a line of business that is financial in nature or prevent regulated subsidiaries from offering a product or services that is financial in nature. None of the above would prevent the board from taking action in an individual case where the manner in which an activity is conducted renders action necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty by a regulated subsidiary that poses a material risk to the financial safety and soundness or stability of an affiliated depository institution or to the domestic or international payment system.

In determining whether or not it is reasonably possible to effectively protect against the material risk at issue through action directed at or against the affiliated depository institution or against depository institutions generally, the Board must consider the full scope of any statutory authority it and the other federal banking agencies may have over any type of depository institution, including national banks and state nonmember banks, under any statute which the Board and the other federal banking agencies are authorized to administer. In this regard, we expect the Board, if necessary and possible, to request other federal banking agencies to exercise their authority in order to protect against any feared risk, and we expect the other agencies to coordinate with and accommodate requests for action by the Board.

C. H.R. 10 PROVIDES FOR FAIR COMPETITION AND INVESTOR PROTECTION THROUGH FUNCTIONAL REGULATION

H.R. 10 recognizes that blanket exceptions from securities regulation are no longer appropriate for banks that are actively participating in securities activities. It reflects our belief that functional regulation is necessary to ensure that all entities engaged in securities activities, and all securities professionals, are regulated by the functional regulator with over 60 years of expertise focused specifically on these activities—the SEC. We recognize, however, that certain limited existing bank securities activities may remain excepted from SEC regulation without creating significant opportunities for regulatory arbitrage. We believe these exceptions are appropriate, based on the limited nature of some activities and the existing scheme of regulation of other activities. For instance, the way that banking regulators oversee bank trust activities—including those involving securities products—may more closely approximate the scheme of regulation embodied in the federal securities laws than the banking regulations applicable to other parts of a bank.

H.R. 10 eliminates the blanket exceptions for banks from the definitions of ''broker'' and ''dealer,'' and, instead, includes limited exceptions from these definitions available to banks.

1. TRUST AND FIDUCIARY ACTIVITIES EXCEPTION

H.R. 10 permits banks to effect transactions in a trustee or fiduciary capacity without being considered to be broker-dealers under the securities laws. Banks would be permitted to effect such transactions so long as the department in which they are conducting the activities is regularly examined by bank regulators for compliance with fiduciary principles. It is our intent that such examinations be specifically focused on these activities and rigorous in nature. Banks that use this exception may also be primarily compensated by an annual fee, a percentage of assets under management, or a flat or capped per-order processing fee, or any combination of such fees, and may not receive brokerage commissions exceeding the banks' execution costs. Such fees must not be structured in such a way that they give rise to the sales incentives inherent in brokerage commissions.

2. EMPLOYEE AND SHAREHOLDER BENEFIT PLANS EXCEPTION

Under H.R. 10, a bank will not be considered a ''broker'' when, acting in its transfer agent capacity, it conducts brokerage transactions for: (1) employee benefit plans; (2) dividend reinvestment plans; and (3) open enrollment plans.

In connection with all three types of plans, banks may not solicit transactions or provide investment advice concerning the purchase or sale of securities. In addition, banks using this exception may only receive compensation consisting of administrative fees, flat or capped per order processing fees, or both, and may not receive brokerage commissions exceeding the banks' execution costs. As to both dividend reinvestment plans and open enrollment plans, the substitute bill clarifies that banks also may not net shareholders' buy and sell orders except for odd-lot holders or plans registered with the SEC.

3. DEFINITION OF ''BANKING PRODUCT''

The bill attempts to preserve the ability of the SEC to determine what is a ''security'' under the federal securities laws, and when new bank products are ''securities,'' by putting the definition of ''traditional banking product'' into a stand-alone statute—not in the federal securities laws or the banking laws. As in the bill reported by the Commerce Committee, this bill's definition of traditional banking product includes such things as deposit accounts, letters or credit, credit card debit accounts, certain loan participations, and certain derivative instruments that traditionally have not been regulated as securities. If banks sell products within the scope of this definition, they are not required to register as a broker or a dealer.

We have also expanded the types of derivative products that come within the definition of traditional banking product. In addition to derivatives involving or relating to foreign currencies, under the substitute bill, banks may also sell as traditional banking products derivatives involving or relating to interest rates, commodities, other rates, indices or other assets, except instruments (i) that are based on a security or a group or index of securities, (ii) that provide for the delivery of one or more securities, or (iii) that trade on a national securities exchange. However, if a derivative other than an interest rate swap or a foreign currency swap is a security, it would not qualify as a traditional banking product unless it were based on a government security, commercial paper, banker's acceptance or commercial bill of a group of index of one or more of these products.

H.R. 10 includes a new provision that establishes a process by which the SEC shall decide whether banks that sell ''new banking products'' that are securities must register with the SEC as brokers, dealers, or both. Specifically, the SEC must engage in a rulemaking proceeding and must determine (1) that the new product is a security and (2) that imposing a registration requirement on a bank to sell the new product is necessary or appropriate in the public interest and for the protection of investors. In addition, during the rulemaking process, when considering whether an action is for the protection investors, the SEC also must consider whether the action will promote efficiency, competition and capital formation as set forth in

Section 3(f) of the Exchange Act. Under this provision, during the rulemaking process, the SEC is also required to consult with and consider the views of the appropriate banking agencies concerning the proposed rules and the impact of those rules on the banking industry.

H.R. 10 is clear that the classification of a product as a traditional banking product does not imply that such product (i) is or is not a security for purposes of the securities laws, or (ii) is or is not an account, agreement, contract, or transaction for purposes of the Commodity Exchange Act.

RELIGIOUS FREEDOM AMENDMENT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. ISTOOK. Mr. Speaker, please enter the enclosed materials into the RECORD.

SOUTHERN BAPTIST CONVENTION,
Nashville, TN, June 2, 1998.

DEAR MEMBER OF CONGRESS: I am writing to re-iterate our support for the Religious Freedom Amendment, which is soon to be voted upon. Passage of the Religious Freedom Amendment is essential to restoring the original intent of our First Amendment. Restoring the original intent of the First Amendment is essential to fully restoring religious liberty. Therefore, I urge your support of this historic effort to further secure our inalienable right to the free exercise of religion.

If we may be of assistance to you in your deliberation, please feel free to contact Will Dodson in our Washington office at (202) 547–8105. thank you for your consideration of this issue of critical importance to the welfare of our nation.

Sincerely,

DR. RICHARD D. LAND,
President,
Ethics & Religious Liberty Commission.

CHRISTIAN VOICE,
Alexandria, VA, May 8, 1997.

Hon. ERNEST JIM ISTOOK,
U.S. House of Representatives.

DEAR ERNEST: Please accept our most heartfelt thanks and congratulations on the introduction of the Religious Freedom Amendment which Christian Voice fully supports.

As you may know, Christian Voice has been a strong advocate of returning voluntary prayer in public schools since our founding in 1978. We were instrumental in the introduction of and spearheaded the lobbying effort for President Reagan's Constitutional Amendment to restore voluntary prayer in 1983.

We look forward to working with you in this vital battle to restore religious freedom in our society in order to truly make America one nation under God. Please do not hesitate to call on us if there is anything we can do to help you advance this critically important initiative.

Thanking you again for your outstanding leadership in defending the religious freedom rights of all America, and wishing you God's richest blessings, I remain

Yours sincerely,

GARY L. JARMIN,
Legislative Director.

AMERICAN FAMILY ASSOCIATION,
Washington, D.C., May 28, 1998.

DEAR MEMBER OF CONGRESS: On behalf of our president Donald Wildmon and our hundreds of thousands of supporters, I am writing to indicate our support for the Religious Freedom Amendment sponsored by Representative Ernest Istook of Oklahoma. We are deeply concerned about the restrictions that the United States Supreme Court has placed on our right to religious expression. Americans' desire to keep God, our Creator, in all aspects of our lives. This is a desire, which conforms to that of our Founding Fathers and is our right as Americans. We believe that the Religious Freedom Amendment will restore the original intentions of our Founding Fathers.

We strongly urge you to vote in favor of the Religious Freedom Amendment.

Sincerely,

PATRICK A. TRUEMAN,
Director of Governmental Affairs.

CHRISTIAN ACTION NETWORK,
May 28, 1998.

Hon. ERNEST ISTOOK,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN ISTOOK: On behalf of Christian Action Network and its 250,000 supporters, I heartily endorse the passage of the Religious Freedom Amendment (H.J. Res. 78) in the U.S. House of Representatives.

The Religious Freedom Amendment (RFA) will protect people of faith throughout the country. The American people have again and again expressed their support for voluntary prayer in the schools. Religious symbols and observances should not be stripped from our public life. The Ten Commandments have been banished from courthouses and public Christmas displays are often cleansed of their original religious significance.

However, the right of free speech has been expanded in almost every area except religious freedom. The premise of your amendment is simple: To secure the people's right to acknowledge God according to the dictates of conscience.

Last June, the Supreme Court overturned the Religious Freedom Restoration Act, which provided some basic protections for people of faith. This decision shows that passage of the Religious Freedom Amendment is even more important.

You have Christian Action Network's full support in this effort. Thank you for all of your hard work.

Sincerely,

MARTIN MAWYER,
President.

CHRISTIAN COALITION,
Capitol Hill Office, May 28, 1998.

PROTECT RELIGIOUS FREEDOM—VOTE FOR THE RELIGIOUS FREEDOM AMENDMENT

DEAR REPRESENTATIVE: On Thursday, June 4th, the House will hold a truly historic vote. For the first time in 27 years, you will consider an amendment to the United States Constitution concerning the fundamental right of an American citizen to publicly acknowledge his or her religious faith. This constitutional amendment will guarantee the same First Amendment protection to religious speech as for non-religious speech, including *voluntary school prayer.* In a nation that was founded on the principle of religious liberty, we must take steps to restore the rights that our Founding Fathers intended to protect. And in a recent poll in which voters were asked about moral issues confronting the nation, almost 70% agreed that America needed a Religious Freedom Amendment that would allow voluntary school prayer. The Christian Coalition strongly urge you to vote for the Religious Freedom Amendment (H.J. Res. 78).

The most dramatic example of a religious freedom that has been whittled away is the right to religious speech. The right to free speech is one of the most highly revered and protected rights in our Constitution. Yet, a series of Supreme Court rulings over the past 35 years have misinterpreted the Constitution to ban and censor free speech when that speech is religious in nature. Specifically, the Supreme Court has censored free speech in only three areas: inciting violence and insurrection, obscenity, and religious speech. It is absurd for the Supreme Court to equate the act of expressing one's faith in God with expressions of insurrection or obscenity.

This amendment would protect the right of school children to organize prayer during the school day, while explicitly reigning in the influence and participation of the government in such activities. The government, represented by either a teacher or a school administrator, would be prohibited from requiring, writing or forbidding prayer.

With the protection of the Religious Freedom Amendment, courts would no longer issue rulings such as the one in which the judge upheld a teacher's decision to give a young Tennessee student an ''F'' on a research paper simply because the student decided to write her paper about Jesus. (*Settle v. Dickson County School Board*). And the highest court in our land would be required to enforce the right of a rabbi to offer a nonsectarian prayer at a middle school graduation.

Enactment of the Religious Freedom Amendment is the only effective means to truly restore our religious freedom. On behalf of the Christian Coalition, I strongly urge you to vote yes for final passage on Thursday, June 4th.

Sincerely,

RANDY TATE,
Executive Director.

CONCERNED WOMEN FOR AMERICA,
March 21, 1997.

The Hon. Ernest Istook,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ISTOOK: Concerned Women for America (CWA), as the largest pro-family women's organization in America, is pleased to support your efforts to bring forward a constitutional amendment that will safeguard religious expression. Our over 500,000 members have continued to remind us that their First Amendment rights to free religious expression are routinely trampled. It's time for those who seek to persecute religious people to stop hiding behind the robes of the Supreme Court. It is time for a Religious Freedom Amendment.

America's religious heritage can be traced to the Declaration of Independence, our founding document, which reminded the world that mankind has been endowed by the Creator with certain inalienable rights. And our Constitution further elaborated the fundamental rights that Americans hold dear. CWA favors protection for: Religious symbols (i.e. the cross, creche, menorah, etc.), voluntary, student-initiated and student-led prayer in all schools, and Free and secure religious expression.

Now is the time to permanently codify the rights of all Americans—rights that have been ignored by many in the judicial system for the last 30 years. Rep. Istook, CWA appreciates your tireless efforts on behalf of America's families, and we look forward to working with you and other members of Congress in the months ahead.

Sincerely,

BEVERLY LAHAYE,
Chairman & Founder.

WALLBUILDERS, INC.,
Aledo, TX, February 28, 1997.

The Hon. Ernest Istook,
U.S. House of Representatives, Washington, DC.

REPRESENTATIVE ISTOOK: I am President of the national ministry, WallBuilders. Our organization, which includes almost one-hundred-fifty thousand citizens among its direct supporters, and hundreds of States legislators and leaders, is dedicated to rebuilding and protecting the religious and family values on which America was founded, and which, for so long, were embraced in our public policy.

Thank you for your leadership and vision on the ''Religious Freedom Amendment''—a long-awaited opportunity for millions of Americans. Your amendment will again secure their genuine ''free exercise of religion,'' and will reverse the religious hostility now so evident in the federal courts, ending their micro-management of religious activities.

I applaud the scope of the protections you have provided in your amendment, ranging from securing freedom of conscience to forbidding religion-based discrimination, from securing public religious speech and expressions to protecting voluntary student religious exercises. Certainly, you know that you have much public support behind you as recent polls have shown 74 percent of the nation supporting a constitutional amendment explicitly protecting school prayer, and 73 percent supporting explicit wording to protect public religious acknowledgments (Luntz Research Companies, January 16–21, 1996).

Be assured that you have our complete and unwavering support for your amendment and the protections it encompasses. We are at your service in helping secure the passage of this wonderful and necessary constitutional amendment.

Again, thank you for your leadership on this issue. You are a genuine friend to and champion for people of faith everywhere! May God continue to prosper you and your endeavors for Him! God bless!

In prayer that our government will once again be upon His shoulders, and that we will again become one nation under God, I remain,

DAVID BARTON.

YOUTH FOR CHRIST,
U.S. NATIONAL OFFICE,
June 13, 1997.

Hon. ERNEST ISTOOK,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ISTOOK: We at Youth for Christ would like to offer our full and enthusiastic support of the Religious Freedom Amendment (HJRes 78) which you have presented to this session of Congress. We view your Amendment as the only way to restore religious liberties in America.

Youth for Christ is an international, interdenominational movement with affiliates in 225 cities across the United States and 127 countries around the world. Our target audience is junior high and senior high school students. As part of the body of Christ, our vision is to see every young person in every people group in every nation have the opportunity to make an informed decision to be a follower of Jesus Christ and become a part of a local church. Last year 600,000 young people were impacted by some aspect of our outreach and 33,000 young people made decisions to receive Jesus Christ as their Savior.

Nationally, we have 982 full time paid staff, 592 part time staff and over 14,000 volunteers. Our annual budget is $4.2 million.

We wholeheartedly encourage Congress to enact the Religious Freedom Amendment.

Cordially,

ROGER CROSS,
President.

CORAL RIDGE MINISTRIES,
March 21, 1997.

Hon. ERNEST ISTOOK,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ISTOOK: Thank you for spearheading the effort to draft and introduce into Congress a Religious Freedom Amendment. This measure has my complete support.

The need for the protection that this constitutional amendment offers is evident in a cursory review of some recent attacks on religious expression, often under the rubric of protecting the so-called wall of separation between church and state.

Witness these few examples:

- In Alabama, a state judge is under attack for having the Ten Commandments posted in his courtroom and allowing an outside clergyman to lead prayer at jury organizing sessions.
- A Bronx church is prohibited from renting a public school to hold worship services even though other community groups are allowed.
- A federal court forbids a fourth grader from distributing religious literature at his public school.

Time magazine commented several years back on this current state of affairs—the bitter fruit, I believe, of the Supreme Court's 1962–63 school prayer decisions:

In this nation of spiritual paradoxes, it is legal to hang a picture in a public exhibit of a crucifix emerged in urine, or to utter virtually any conceivable blasphemy in a public place; it is not legal, the federal courts have ruled, to mention God reverently in a classroom, on a football field or at a commencement ceremony as part of a public prayer.

Religious freedom is the cornerstone of all the other freedoms we enjoy. Without it, our other freedoms are likewise open to attack. The idea that freedom is granted by God, not the state, and that religion—the duty man owes to God—is outside the jurisdiction of government, acts as a powerful safeguard against the everpresent impulse of government to encroach on the people's liberty. For that reason this amendment is not merely a concern of religious people, but of all Americans who value freedom.

It is long past time for Congress to address this issue. Public opinion polls over the past 30 years indicate overwhelming support for a constitutional amendment such as you are introducing. I applaud you for your leadership in this cause and pledge my support to help win passage.

Sincerely,

D. JAMES KENNEDY,
Ph.D.

CATHOLIC ALLIANCE,
April 23, 1998.

Hon. ERNEST ISTOOK,
Washington, DC.

DEAR CONGRESSMAN ISTOOK: Thank you for your sponsorship of the Religious Freedom Amendment. Catholic Alliance wholeheartedly supports passage of your bill.

Our nation's courts have rewritten the Constitution to governmentally institutionalize secularism. The founding fathers intended for all Americans to be able to exercise their religious beliefs openly without fear of government retribution. The founders prohibited the promotion of one religion over another, not the promotion of religious belief. The courts have created a world where school teachers can wear Black Sabbath t-shirts in school but cannot publicly pray the rosary. Students can display ''Legalize Marijuana'' badges but not scapulars. Saying grace over a teacher's own meal, if accompanied by the sign of the cross, can be a disciplinary offense.

We are compelled by the courts failure to rectify their errors to seek the Religious Freedom Amendment. The RFA does not require the schools or any public institution to incorporate or regulate religious expression. The RFA merely prohibits public institutions from suppressing individuals religious expression. The RFA clears the way for the full involvement of faith based institutions in solving the social ills of our times.

Thank you for your leadership.

Sincerely,

DEACON KEITH A. FOURNIER,
President.

FOCUS ON THE FAMILY ENDORSES ''RELIGIOUS FREEDOM AMENDMENT''

Colorado Springs—Today Dr. James C. Dobson, president of Focus on the Family, joined many other national pro-family and religious liberty organizations to endorse the Religious Freedom Amendment, sponsored by Rep. Ernest Istook (R–Okla). His statement was released this morning at a Capitol Hill news conference:

''Focus on the Family strongly supports the Religious Freedom Amendment to secure the protection of religious freedom for all Americans. We believe in a vision for a just society that protects religious liberties for people of all faiths. This constitutional amendment will make that vision a reality and is long overdue.

''We at Focus on the Family receive 250,000 letters and phone calls each month. We hear all too often from citizens—especially children—who have had their First Amendment religious freedoms trampled upon. The Religious Freedom Amendment will reinforce Americans' First Amendment guarantee of religious liberty and will specifically protect voluntary, student-initiated prayer in public schools.

''Whether its expelling expressions of Christmas from public schools or public parks, outlawing benedictions or censoring student speeches at high school graduations, or punishing a fourth grade boy for praying over his lunch in a public school cafeteria, liberal judges and misguided school administrators have perverted Thomas Jefferson's meaning of the 'wall of separation between church and state.'

''The U.S. Supreme Court's 1962 prohibition of school prayer unfortunately set in motion an intense effort by the judiciary to eliminate all evidences of religious expression for public life. What we have seen over the last thirty years from the courts is not religious neutrality, but rather what Justice Potter Stewart called a 'religion of secularism.' It is time for the Congress to remedy this abuse of the people's constitutional liberties by passing the Religious Freedom Amendment.

''We urge the American people to call and write their congressmen and senators to assure this amendment's passage.''

Founded in 1977 by James C. Dobson, Ph.D., Focus on the Family is a nonprofit Christian organization dedicated to the preservation of the home. Focus on the Family has a monthly mailing list of over 2 million and a daily radio broadcast heard by 3–5 million each week in the United States.

FELLOWSHIP OF CHRISTIAN ATHLETES,
May 21, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the Fellowship of Christian Athletes, I want

to voice our support for the Religious Freedom Amendment (HJR 78), and urge all Members of Congress to vote for this vital constitutional amendment.

The Fellowship of Christian Athletes (FCA) has almost 8,000 Huddles (chapters) in schools all across America. Not only do we seek to motivate young athletes to find a better way of playing the game of life, but FCA leads the outreach to students all across America to avoid the temptations of alcohol and illegal drugs. There is only ''One Way 2 Play—Drug Free!''

Our outreach is based on a commitment grounded by faith in Jesus Christ. Unfortunately, we must overcome hurdles and barriers that are placed in our path, but which are not applied to some other student clubs and organizations in public schools. By protecting the right to pray at school, and to recognize religious traditions, heritage and beliefs, the Religious Freedom Amendment will remove the discrimination against faith-based student groups, and maintain the protections against unfounded fear that prayer or any other religious activity would be compulsory. This will also allow the students to attend the Huddle meetings at school and not have to miss, due to transportation problems to off campus sites at night.

The Fellowship of Christian Athletes urges all Members of Congress to support the Religious Freedom Amendment.

Sincerely,

DR. DAL SHEALY,
President/CEO.

TOWARD TRADITION,
March 18, 1997.

HON. ERNEST ISTOOK, Jr.,
Washington, DC

DEAR CONGRESSMAN ISTOOK: Firstly, let me congratulate you on the remarkable progress you have made on the Religious Liberties Amendment. I feel honored to have been able to support you in this milestone.

I heartily endorse the proposed language for the Religious Freedom Amendment. I want to stress as a Jew how proud and privileged I feel to live in a country whose leaders like yourself are eager for these hallowed words to become law. It is precisely the commitment to God and the devotion to prayer that have made the United States of America the most tranquil and gracious home that the Jewish people have enjoyed during that past 2,000 years. May God bless you and your work.

Do let me know if there is anything at all I can do to be of assistance to you in the crucial work of assuring the religious right of all Americans, regardless of faith.

Sincerely your friend,

RABBI DANIEL LAPIN,
President.

AMERICAN CONFERENCE OF JEWS AND BLACKS

DEAR CONGRESSMAN: After viewing the Religious Freedom Amendment and speaking with Congressman Istook I fully endorse the Amendment's passage. As you are well aware, teachers and bureaucrats in today's schools are so fearful and confused when it comes to general statements about religion that even the most cursory and innocuous remark by a school child regarding a routine religious activity is censored. This goes beyond separation of Church and State into separation of state from common sense.

The bedrock of the American public school system is local control. If a local district chooses to allow a minute toward acknowledging God and His blessings, I should think that would fall within the age-old classic Jewish tradition to ''Acknowledge the Presence of God in our midst.'' This is not done to proselytize but simply acknowledge the Creator we all share.

My parents and all of their Jewish peers in the previous generation spent each morning during their public school years doing so; indeed benefiting from the classic wisdom and guidance offered, for example, by Psalms.

Those uncomfortable with the notion of God—Jew or non-Jew—will naturally be uncomfortable with such public acknowledgments. Should we, then, censor and ban everything in society that some person finds irritating? Instead of censorship, I would expect some elementary graciousness and generosity of spirit from those who seem bothered. Truly, they are not, in any way, jeopardized. Far more ennobling than stilling the heartfelt expression of others would be to exhibit respect and tolerance for others, as well as the ideal of live-and-let-live.

Perhaps on one occasion, somewhere in some district, a Jewish child may hear the name Jesus uttered. So what! Is Judaism so tenuous that it crumbles when simply hearing about other people's beliefs? How ironic that those who for their children espouse openness to all sorts of other ideas, become insecure in this matter. The remedy for such insecurity is not to stop believers from expressing thanks to God, nor to eradicate their freedoms. It is, rather, to overcome manufactured insecurities, strengthen the Jewish education of their own children and, once and for all, begin believing in the general innate fairness of the American people.

Sincerely,

RABBI ARYEH SPERO,
President.

RELIGIOUS FREEDOM AMENDMENT

The Religious Freedom Amendment, a proposed constitutional amendment to protect religious freedom, is supported by religious organizations and others across America, with over 150 House cosponsors, including the House leadership.

ENDORSING GROUPS AND ORGANIZATIONS

American Conference of Jews and Blacks, American Family Association, Americans for Voluntary School Prayer, American Muslim Council, Americas Prayer Network, Catholic Alliance, Christian Action Network, Christian Coalition, Christian Voice, Citizens for Excellence in Education, Coral Ridge Ministries (Presbyterian), Concerned Women for America, Ethics and Religious Liberties Commission, Family Research Council, Focus on the Family, Free Congress Foundation, and Full Gospel Baptist Church Fellowship.

General Council of the Assemblies of God, International Pentecostal Church of Christ, Jewish Union, National Clergy Council, National Baptist Convention USA, Religious Freedom Coalition (William Murray), Religious Roundtable, Salvation Army, Southern Baptist Convention, Toward Tradition (Jewish Rabbinical Group), Traditional Values Coalition, Trinity Global, U.S. Family Network, Wall Builders, Youth for Christ, and National Association of Evangelicals which represents the following groups:

Advent Christian General Conference, Assemblies of God, Baptist General Conference, Brethren Church, Brethren in Christ Church, Christian & Missionary Alliance, Christian Catholic Church, Christian Church of North America, Christian Reformed Church in North America, Christian Union, Church of God, Church of God, Mountain Assembly, Church of the Nazarene, Church of the United Brethren in Christ, Churches of Christ in Christian Union, Congregational Holiness Church, Evangelical Church of North America, Evangelical Congregational Church, Evangelical Church of America, Evangelical Friends International of North America, Evangelical Mennonite Church, Evangelical Presbyterian Church, Evangelical Missionary Fellowship; and Fellowship of Evangelical Bible Churches.

Fire Baptized Holiness Church of God of the Americas, Free Methodist Church of North America, General Association of General Baptists, International Church of the Foursquare Gospel, International Pentecostal Church of Christ, International Pentecostal Holiness Church, Mennonite Brethren Churches, Midwest Congregational Christian Fellowship, Missionary Church, Inc., Open Bible Standard Churches, Pentecostal Church of God, Pentecostal Free Will Baptist Church, Inc., Presbyterian Church in America, Primitive Methodist Church USA, Reformed Episcopal Church, Reformed Presbyterian Church of North America, Salvation Army, Synod of Mid America, Wesleyan Church and Worldwide Church of God.

COMMITTEE ON RESOURCES OVERSIGHT REPORT ON INTERIOR DEPARTMENT RULE-MAKING

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1998

Mr. YOUNG of Alaska. Mr. Speaker, today I am filing a report by the Committee on Resources entitled Abuse of Power: The Hardrock Bonding Rule which presents the results of the Committee's oversight investigation of an informal rule-making process at the Department of Interior. We are publishing the report in order to open the curtains and let full sunlight shine on Interior's rule-making process. The issue here is not about mining—it is about the right of a citizen to meaningful participation in the rule-making process.

The report concludes that Department documents obtained by the Committee clearly show that undue interference of political appointees at Interior in the rule-making was so great that the integrity of the rule-making process itself was discredited. In addition, the new rule was published despite warnings from Interior's own regulation writers and lawyers that they had significant concerns about compliance with the Administrative Procedures Act (APA).

After this regulation was implemented, political appointees at the Department of Interior attempted to prevent and obstruct the Committee on Resources from carrying out its Constitutional oversight responsibilities. A drawn-out string of dilatory tactics was initiated after all document pertaining to this rule-making were requested. Some records were produced by Interior pursuant to this request, but many documents were withheld from the Committee under a prospective claim of ''privilege.'' The Department also tried to impose rules and conditions under which this Committee could have access to documents. After these dilatory tactics continued for more than three months, the Committee subpoenaed the documents.

In their dissenting views file with the report, the Minority argues that the documents obtained under the subpoena are confidential and part of the deliberative process. We disagree. A consensus has emerged under the APA that a rule-making record or file should be created in informal rule-making. In *Citizens*

to Preserve Overton Park v. *Volpe,* the Supreme Court stated that, although agency action is entitled to a presumption of regularity, ''that presumption is not to shield [the] action from a thorough, probing, in-depth review.'' 401 U.S. 402 (1971). These documents are part of the rule-making record.

An appendix to the report contains some of the subpoenaed documents which illustrate the serious problems with this rule-making. Perhaps this will encourage the political appointees at Interior to comply with the laws governing rule-makings and goad the Department into reforming their rule-making process to restore meaningful input from the American people. Certainly, a higher standard can be expected of the ''most ethical Administration'' in American history.

The Minority also says that ''despite assurances to the contrary'' during oversight hearings conducted by Subcommittee on Mineral and Energy Resources Chairman Barbara Cubin, the report concludes that actions by a special assistant to the Assistant Secretary for Land and Minerals constitutes a ''serious conflict of interest.'' The Minority is construing more from these remarks than we implied. Indeed, immediately after this statement during the June 19th hearing, Chairman Cubin told Department officials that ''the cure for this problem or perceived problem would be to allow public comment, because the appearance isn't very pretty. I mean it really looks bad. . . .'' Interior was also withholding key documents from the Committee at the time of the oversight hearings. Interior produced these documents, but only after they were subpoenaed, nearly two months after these remarks were made.

In fact, Interior recently lost a lawsuit over this regulation. The Minority Views to the report try to minimize this stating that the court ''did find that DOI [Interior] violated only the procedural requirement of the RFA [Regulatory Flexibility Act] by not consulting with the SBA [Small Business Administration] on the definition of a 'small entity.' ''

The court decision concerned whether Interior obeyed the law in issuing the regulation. The court granted a summary judgment against Interior, which means that after construing all of the relevant facts in the most favorable light for Interior, the court found that Interior had no case, and ordered the Department to rescind the regulation and start over.

In her concluding statement, the judge said, ''While recognizing the public interest in preserving the environment, the Court also recognizes the public interest in preserving the rights of parties which are affected by government regulation to be adequately informed when their interests are at stake and to participate in the regulatory process ad directed by Congress [emphasis added].'' I am attaching a copy of this Court decision to these remarks for inclusion in the Record.

The Resources Committee told Interior officials more than a year ago—long before the Department was sued—that the new rule was illegal because the department violated the rule-making process. We urged them to withdraw the rule and correct these violations. Instead, Interior wasted taxpayer money defending an untenable position in a lawsuit.

This whole sorry episode results from the refusal of a few imperious, high-level, politically motivated bureaucrats to obey laws that govern a rule-making. Accountability is the issue. Political bosses at Interior, who love to write regulations for others to obey or face severe penalties, refuse to heed laws that regulate their own actions. Shouldn't they be accountable too?

[United States District Court for the District of Columbia, Civil Action No. 97–1013 (JLG)]

NORTHWEST MINING ASSOCIATION, PLAINTIFF, *v.* BRUCE BABBITT, SECRETARY, U.S. DEPARTMENT OF INTERIOR; ET AL., DEFENDANTS

MEMORANDUM

This matter is before the Court on opposing motions for summary judgment. The Plaintiff, Northwest Mining Association (''NWMA'', disputes a final rule enacted by Defendant United States Bureau of Land Management (''BLM'') concerning reclamation of mining lands. The Small Business Administration (''SBA'') submitted an amicus curiae brief in favor of NWMA's position. The Arizona Mining Association and the Nevada Mining Association jointly submitted an amici curie brief, also in favor of NWMA's position. The Court heard oral argument on March 10, 1998. For the reasons that follow, NWMA's motion is granted and the BLM's motion is denied.

I. Background

In 1976, Congress enacted the Federal Land Policy and Management Act (''FLPMA''), 43 U.S.C. 1701, (*et seq.* (1994). Congress declared in the FLPMA that it is the policy of the federal government, through the Secretary of the Interior, to manage public lands ''in a manner which recognizes the Nation's need for domestic sources of minerals . . . from public lands[.]'' 43 U.S.C. 1701(a)(12).[1] Congress, however, also recognized the need to manage the public lands ''in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values[.]'' 43 U.S.C. §1701(a)(8). Accordingly, while managing public lands under the Act, the Secretary and the BLM must ''take any action necessary to prevent unnecessary or undue degradation of the lands'' by ''regulation or otherwise.'' 43 U.S.C. §1732(b).

The BLM's obligatory duty to prevent unnecessary or undue degradation of public lands has significant application in the mining industry. The extraction of hardrock minerals, such as gold and copper, often involves the excavation of large open pits, the use of toxic chemicals, disruption of underground water, and various other negative environmental effects. Historically, some miners abandoned their claims after the minerals ran out and left the land disturbed. In many cases, the use of millions of dollars of public funds has been required to reclaim such old, abandoned mining operations and return them to an environmentally sound state. (Def. Mem. at 2–3.)

In 1981, the BLM responded to this problem by promulgating regulations, set forth in 43 C.F.R. §3809, which allowed it to require bonds from miners in certain situations. Bonding ensures a miner's compliance with environmental standards by proactively funding the reclamation before the operation begins. In the event of a miner's default of its reclamation obligation, the bond, or other surety, will fund the environmental restoration, not the public. (Def. Mem. at 2–3.)

The original regulations defined three levels of mining activities: ''casual'' level use, where only negligible disturbance of the land results (43 C.F.R. § 3809.0–5(b)); ''notice'' level use, where mining operations are greater than casual use but still disturb less than five acres per calender year and where the operator need only submit a general notification of operations to the BLM before commencement (43 C.F.R. §3809.1–3(a)–(c)); and ''plan'' level use, where more than five acres per calendar year are disturbed and where the operator must submit a detailed plan of all operations and reclamation to be undertaken to the BLM for approval (43 C.F.R. §3809.2–9(b)). The original regulations allowed the BLM to require plan level operators to post a bond to ensure the reclamation of disturbed areas, but such bonds were not mandatory to all plan level operations (43 C.F.R. 3809.1'–9(b)).

On July 11, 1991, the BLM issued a notice of proposed rulemaking to amend its bonding requirement rules. The proposed rule would require bonds for all mining operations larger than casual level use. 56 Fed. Reg. 31,602 (1991). Notice level operators would be required to post a $5,000 bond for each claim, *Id.* at 31,604, while plan level operators would be required to post a bond in an amount specified by the BLM, but in no case to exceed $1,000 per acre for explorational operations and $2,000 per acre for mining operations. *Id.* at 31,605. Additionally, the proposed rule would allow alternative financial instruments to be substituted or bonds, *Id.* at 31,602, and would require operators with a history of noncompliance with BLM regulations to file plans on subsequent operations which would normally be conducted on a notice level. *Id.* at 31,602.

The BLM stated that it would accept comments on the proposed rule amendments until September 9, 1991, *Id.* at 31,602, but later extended the comment period to October 9, 1991 (56 Fed. Reg. 41,315 (1991)).

On February 28, 1997, almost six years after the original proposal, the BLM issued the final rule. 62 Fed. Reg. 9093 (1997). The final rule contained several substantive differences from the proposed rule which are pertinent to this case. Most notably, notice level and plan level operators are each required by the final rule to post bonds for 100 percent of the estimated reclamation costs. *Id.* at 9100, 9101.

Additionally, the final rule requires notice and plan level operators to employ an outside engineer to calculate and certify the cost of reclamation of the disturbed areas, *Id.* at 9100–01, provide bonds for all its existing mining disturbances within ninety days (if not in compliance with the rules), *Id.* at 9103, and meet water quality standards for one year at the reclaimed site before the bond would be released. *Id.* at 9102. The final rule imposed criminal sanctions on persons who knowingly violate the regulations. *Id.* at 9103.

The BLM stated that the rule, as enacted, would not have a significant impact on a substantial number of small entities. *Id.* at 9099. The BLM defined ''small entity'' as ''an individual, small firm, or partnership at arm's length from control of any parent companies.'' *Id.* at 9099.

The NWMA seeks summary judgment under the Administrative Procedure Act, 5 U.S.C. §§551, *et seq.* (1994) (''APA'') on the basis that there was no notice in the proposed rule of the 100 percent bond requirement, the professional third party engineer requirement, the water quality requirement, or of the potential criminal sanctions.

Alternatively, the NWMA seeks summary judgment under the Regulatory Flexibility Act (''RFA''), 5 U.S.C. §§601, *et seq.* (1994) (*as amended by* Pub. L. 104–121, Title II, 110 Stat. 864–67 (1996)) on the grounds that, when certifying that the final rule would not have a

[1]The Secretary is charged ''to promulgate rules and regulations to carry out the purposes of [the] Act.'' 43 U.S.C. §1740. The administrator of these rules and regulations is the Director of the BLM, through the authority and at the direction of the Secretary. 43 U.S.C. §1731(a).

significant economic impact on a substantial number of small entities, the BLM did not use the Small Business Administration's definition of ''small miner'' and did not follow the appropriate procedure for adopting an alternate definition as required by the RFA.

The BLM generally denies the NWMA's allegations and itself moves the Court for summary judgment, arguing that the NWMA lacks standing to object. The BLM alleges that, since the NWMA failed to participate in the rulemaking process by filing any comments during the appropriate period, the NWMA lacks standing to challenge the new rule under the APA.[2] The BLM also alleges that, because the NWMA is not itself a small entity, it lacks standing to challenge the new rule under the RFA.

II. Discussion

The Court shall grant summary judgment ''if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.'' Fed. R. Civ. P. 56(c); *Celotex Corp. v. Catrett,* 477 U.S. 317 (1986).

A. STANDING OF THE NWMA

The BLM claims that the NWMA does not have standing to object to its final rule under either the APA or the RFA because it did not submit comments during the notice and comment period. The NWMA asserts that it need not have submitted comments because the BLM's original rule proposal did not properly inform it that its interests were at stake. The NWMA further asserts that, in any event, it has associational standing as a representative of its members.

The Plaintiff is correct. The nature of the NWMA's claims under the APA is that there was insufficient notice of the altered and additional aspects of the final rule given by the BLM in its initial proposal. There is no way the NWMA could have submitted comments regarding interests it was not informed were at stake.

The BLM also challenges the NWMA's assertion of associational standing, contending that it does not apply to rulemaking procedures. The BLM does not provide an explanation of why this is so. In *Warth v. Seldin,* 422 U.S. 490 (1974), and *Hunt v. Washington State Apple Advertising Comm'n,* 432 U.S. 333 (1977), the Supreme Court refined its associational standing doctrine into a three-prong test.

''[A]n association has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.''—*Hunt,* 432 U.S. at 343.

The Plaintiff here meets these elements and the Court finds no basis to conclude that rulemaking should be regarded as exempt from this test. Accordingly, the Court finds that the NWMA has standing under the APA to object to the final rule at issue here.

The BLM also claims that the NWMA lacks standing under the Regulatory Flexibility Act because the language of the RFA extends standing to seek judicial review only to a ''small entity.'' The RFA provides that ''a small entity that is adversely affected or aggrieved by final agency action is entitled to judicial review. . . .'' 5 U.S.C. §611(a)(1). Section 601(6) of the RFA states, in relevant part, that the term ''small entity'' shall have the same meaning as the term ''small organization.'' Section 601(4) states, in relevant part, that the term ''small organization'' means ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. . . .'' Here, the BLM does not contest the NWMA's assertion that it is an independently owned and operated, not-for-profit enterprise which is not dominant in its field. (Pl. Mem. at 34–37.) Therefore, the NWMA is a ''small entity'' as defined by the RFA and has standing to object.[3]

B. PLAINTIFF'S CLAIMS UNDER THE APA

The standard for judicial review of the BLM's actions here is set forth in Section 706 of the APA. The court shall ''hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, of otherwise not in accordance with the law.'' 5 U.S.C. §706(2)(A). The Court must show ''great deference'' to the agency's interpretation of its own powers and responsibilities. *EPA v. National Crushed Stone Ass'n,* 449 U.S. 64, 83 (1980) (citation omitted).

The gist of the NWMA's numerous counts under the APA is that the final rule enacted by the BLM is significantly different from that originally proposed. The NWMA alleges that the differences are great enough to constitute abuses of the notice and comment requirement, 5 U.S.C. §553(b), and the basis and purpose requirement, 5 U.S.C. §553(c) of the APA. The final rule, however, ''need not match the rule proposed [and] indeed must not if the record demands a change.'' *Kooritzky v. Reich,* 17 F. 3d 1509, 1513 (D.C. Cir. 1994) (citations omitted). To do otherwise ''would lead to the absurdity that . . . the agency can learn from the comments on its proposals only at the peril of starting a new round of commentary.'' *International Harvester Co. v. Ruckelshaus,* 478 F. 2d 615, 632 n. 51 (D.C. Cir. 1973). The test is whether the agency gave notice to interested parties that a different rule might be enacted. *Kooritzky,* 17 F. 3d at 1513. Adequate notice is given if the final rule is a ''logical outgrowth'' of the proposed rule. *Fertilizer Inst. v. EPA,* 935 F. 2d 1303, 1311 (D.C. Cir. 1991). Therefore, the pertinent question to be asked in this case is whether the BLM's final rule is a logical outgrowth of the proposed rule.

The determination of what rule is a logical outgrowth of another can be a difficult task and require detailed examination of the administrative record. For instance, the NWMA alleges that the minimum bond amounts required by the final rule cannot be a logical outgrowth of the maximum amounts contemplated by the proposed rule. At first blush, this might seem to be one of the NWMA's strongest arguments. An examination of the administrative record reveals that the rule proposal does, indeed, state that bond amounts for plan level operations ''would be capped at $1,000 per acre for exploration activities and $2,000 for mining activities.'' 56 Fed. Reg. 31,603. The proposal goes on, however, to state that ''[c]omments are specifically requested on the adequacy of these definitions.''*Id.*

The request for commentary on the definitions *reasonably* could be construed to include commentary on the adequacy of the dollar amount, which, in turn, *reasonably* could be found to constitute adequate notice that the rule might be changed. It is uncertain whether additional examination of comments received would be indicative of the adequacy of the notice. It is also uncertain whether testimony at trial might prove dispositive of the issue. In other words, the claim is not readily applies to the summary judgment standard, *i.e.,* that no reasonable factfinder could find for the BLM in this matter.

The Court does not need to conduct such as exhaustive examination of the administrative record to reach the merits of the NWMA's claims under the APA because of the disposition of their claim under the RFA.

C. PLAINTIFF'S CLAIM UNDER THE REGULATORY FLEXIBILITY ACT

The NWMA's claim under the RFA is that the BLM did not follow the legal procedure required by the RFA when it issued the final rule.

The RFA requires administrative agencies to consider the effect of their actions on small entities, including small businesses, small non-profit enterprises, and small local governments. *See* 5 U.S.C. §§601, *et. seq.*; *Southwestern Pa. Growth Alliance v. Browner,* 121 F.3d 106, 118 (3d Cir. 1997). *See also* S. Rep. No. 96–878, at 1–6 (1980). When an agency issues a rulemaking proposal, the RFA requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' which will ''describe the impact of the proposed rule on small entities.'' 5 U.S.C. §604(a).

Rather than prepare initial and final regulatory flexibility analyses, the BLM chose to use the exception allowed by Section 605 of the RFA. Section 605 provides:

Sections 603 and 604 of this title shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The Agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.—5 U.S.C. §605(b).

In a section of the final rule publication entitled ''Compliance With Regulatory Flexibility Act,'' the BLM stated that the final rule ''will not have a significant econimic impact on a substantial number of small entities.'' 62 Fed. Reg. 9099. The BLM stated that, for the purposes of this certification under the RFA, the term ''small entity'' is defined as ''an individual, small firm, or partnership at arm's length from the control of any parent companies.''. *Id.* The BLM set forth a short factual basis for the certification. *Id.*

The nature of NWMA's challenge is that the BLM did not use the correct definition of ''small entity'' (specifically, a small miner) when it made the ''no significant impact'' certification.

The RFA requires agencies to use the Small Business Administration's definition of small entity. Section 601 of the RFA sets forth, in relevant part, ''[f]or the purposes of this chapter . . . the term 'small entity' shall have the same meaning as the term 'small business' . . . . '' 5 U.S.C. §601(6). The term ''small business'' has the same meaning as the term ''small business concern'' under section 3 of the Small Business Act, 15 U.S.C. §632 (1994). 5 U.S.C. §601(3).

An examination of the Small Business Act reveals that the SBA may ''specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of [the Act] or any other Act.'' 15 U.S.C.

[2] The NWMA asserts that, in fact, it did submit comments, but that its records of such have been lost in the intervening five years. (Pl. Mem. At 12–13, Pl. Reply at 3–7.)

[3] It is probable that the NWMA would also have standing to object under the RFA based on associational standing, discussed *supra.*

§632(a)(2)(A). The SBA publishes these small business definitions in 13 C.F.R. §121.201. Division B of section 121.201 provides, in pertinent part, that mining concerns must have 500 or fewer employees to be considered ''small.'' *Id.* Therefore, the standard for ''small miner'' which the BLM must use when performing an Initial or Final Regulatory Flexibility Analysis or when certifying ''no significant impact'' is a 500 or fewer employee standard. By using a definition other than the SBA's, the BLM violated the procedures of law mandated by the statute.

The BLM, for its part, argues that it used a subsequent Congressional definition of ''small miner'' used in recent legislation.[4] This argument is unconvincing in light of the clearly mandated procedure of the RFA. The definitions section of the RFA uses phrases such as '''small entity'' shall have the same meaning . . . '' and '''small business'' has the same meaning . . . ''. 5 U.S.C. §601 (emphasis added). Words such as these doe not leave room for alternate interpretations by the agency. The ultimate expression of legislative intent is, of course, and unambiguously worded statute.

Insofar as the BLM's certification (*i.e.*, that the final rule would have no significant impact on a substantial number of small entities) was without observance of procedure required by law, the NWMA, as complaining party, is entitled to relief, and this Court, therefore, grants NWMA's motion for summary judgment on these grounds.

D. RELIEF TO BE GRANTED UNDER THE RFA

Section 611 of the RFA, entitled Judicial Review, provides, in pertinent part:

In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter . . . including, but not limited to, remanding the rule to the agency, and deferring the enforcement of the rule against small entities unless the court finds that continued enforcement of the rule is in the public interest.

5 U.S.C. §611(4)(A)–(B). Consequently, the issue is what the public interest is here.

The BLM, arguing for continued enforcement, warns of potential publicly funded restoration efforts and cites a ten-year old report showing an estimated restoration cost of $284 million for a parcel of federal land that had been left unreclaimed. *See generally* GAO/RCED–88–123BR (April 1998).

The Court, however, is unconvinced by such anecdotal evidence. In fact, the Court does not find that much would change should enforcement be discontinued. Large, open-pit mines are already subject to discretionary bond requirements by the BLM as plan level operations. 43 C.F.R. §3909.1–9(b). Moreover, the BLM admits that it already has in place a policy which requires 100 percent bonding for all mining operations which use cyanide or other dangerous leachates (Def. Mem. at 6,8; Def. Reply at 8.) In other words, to protect the environment against the most potentially dangerous mining operations, the BLM need only exercise its existing powers between a remand and its next final rule promulgation.

Moreover, the new rule's requirements concerning the amount of regulation on the smaller notice level mining operations, the dollar amounts the BLM can require for all bonds, and the additional procedural expenses incurred by miners when obtaining the bonds, appear to have a large impact on the small miner. Effects on small businesses and industry-wide changes in regulatory expenses, however, are precisely what the procedural safeguards of the RFA and the APA are set in place to address. A claim that the public interest requires an exception to the RFA and APA because of the very interests they protect requires a better showing of threatened societal harm than the BLM has produced here.

Finally, the BLM states that, upon remand, any new rule promulgation will be delayed because Congress has prohibited the BLM from publishing new hardrock mining rule proposals until November 15, 1998.[5] *See* Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1998, Pub. L. No. 105–83 §339 (1997). While true, the BLM itself delayed enacting a new rule for roughly nine years after the issuance of the GAO report and five and one-half years after its own rule proposal. The BLM has not explained this delay in light of its alleged urgency. The absence of alacrity by the BLM in this matter convinces the Court that another brief delay will not be contrary to the public interest.

III. Conclusion

While recognizing the public interest in preserving the environment, the Court also recognizes the public interest in preserving the rights of parties which are affected by government regulation to be adequately informed when their interests are at stake and to participate in the regulatory process as directed by Congress. For this reason and for the reasons stated in this memorandum, the Court remands the final rule to the BLM for procedures consistent with this opinion. Accordingly, the Plaintiff's motion for summary judgment is denied. An appropriate Order accompanies this Memorandum.

JUNE L. GREEN,
United States District Court Judge.

Date: May 13, 1998.

[4]Specifically, the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1993, 106 Stat. 1374, 1378–79 (1992). (Def. mem. at 15–26; Def. Reply at 14–15).

[5]The BLM did not address this argument in its briefs, nor did it file a post-hearing brief. It mentioned this argument briefly during oral argument only.